ACTS

—OF THE—

General Assembly of Alabama,

PASSED AT THE SESSION OF 1888-9,

HELD IN THE CITY OF MONTGOMERY,

Commencing Tuesday, November 13th, 1888.

WITH A SEPARATE INDEX TO THE GENERAL AND LOCAL LAWS.

THOMAS SEAY, GOVERNOR.
A. C. HARGROVE, PRESIDENT OF SENATE.
C. C. SHORTER, SPEAKER OF HOUSE.

I, C. C. LANGDON, Secretary of State of the State of Alabama,
do hereby certify that this book, containing the Acts and Joint Resolutions passed at the session of the General Assembly of Alabama, is published by the authority of the State of Alabama. C. C. LANGDON, Secretary of State.

MONTGOMERY, ALA.:
THE BROWN PRINTING CO., PUBLIC PRINTERS AND BOOK BINDERS.
1889.

AN ACT [H. B. 319.

To amend section 215 of the Code.

Section 1. Be it enacted by the General Assembly of Alabama, That section 215 of the Code be so amended, as to read as follows:

215 (123). Acts and resolutions ; how classed and printed.—The acts and joint resolutions must be arranged in two divisions, the first containing those of a public or general character ; the second, those which are private or local. There must also be a title page. which shall have printed thereon in addition to the matter now printed on the title page to acts and resolutions the following certificate : "I,— —, Secretary of State of the State of Alabama, do hereby certify that this book, containing the acts and joint resolutions passed at the session of the General Assembly of Alabama, is published by the authority of the State of Alabama, — —, Secretary of State ;" also marginal notes to each section stating its substance, and a full index for each division.

Acts in two divisions

Public, and private, or local

Certificate.

Marginal notes, and index.

Approved, February 19, 1889.

No. 1.] AN ACT [H. B. 14.

For the relief of purchasers of swamp and overflowed lands, or lands in lieu of the same which have been or may be hereafter patented to this State.

Section 1. Be it enacted by the General Assembly of Alabama, That the Governor of the State be empowered and he is hereby authorized to issue a patent to the purchasers of the swamp and overflowed lands or the lands in lieu of the same, which may have been patented to this State upon satisfactory proof being made to him that such lands have been fully paid for either in money, or in script sold and transferred by him and authorized by the acts of Congress to be received in payment of such lands. Governor to issue patent.

Approved November 26, 1887.

No. 2] AN ACT [s. 4

To amend section 710 of the Code of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That section 710 (602) of the Code of Alabama be amended so as to read as follows :

Section 710 (602). Proprietorship and custody of reports.—The State shall have the proprietorship of the volumes of the reports, and when published they must be delivered to the Secretary of State, who must retain of each volume 200 copies, to be distributed as required by law, and the remainder must be sold at the price of $2.50 per copy. Provided, That the Sec- Alabama Reports.

retary of State shall charge for the copies of reports in his hands at the time of the passage of this act, and which he is authorized by law to sell, at the price of $3 per copy ; And provided further, That the Secretary of State shall not sell more than five copies of any one volume of reports to any one person.

Approved December 1, 1888.

No. 3.] AN ACT [H. B. 56.

To provide for returning and allowing proper credits for taxes wrongfully assessed and collected.

Section 1. Be it enacted by the General Assembly of Alabama, That in all cases where persons have paid taxes more than once upon the same property for the same year or years, and which have been accounted for by the tax collector to the State and county, it shall and may be lawful for them to receive back all such money as they may have so paid as taxes, after they had already paid the taxes for such year or years.

Taxes refunded.

Sec. 2, Be it further enacted, That all persons who have so paid taxes more than once upon the same property for the same year or years, or his or her agent, or duly authorized legal representatives, may apply to the Judge of Probate of the county in which such taxes have been paid, which application shall be in writing and under oath, and shall state what year or years it is claimed that the taxes have been paid more than once upon the same property, and also a description of the property upon which such taxes have been paid, and it shall be the duty of the Judge of Probate when such application is made, to set the same down for hearing, not less than ten days after the filing of such application ; and he shall give the tax collector of the county notice of the filing of such application at least five days before the day set for hearing the same ; and it shall be the duty of the tax collector to furnish to the Judge of Probate a statement from his books, embracing the period of time covered by the application, showing the condition of such property as to payment of taxes thereon ; and upon the hearing of such appli-

On judge of probate's certificate.

cation, if the Judge of Probate is satisfied that the taxes have been paid more than once upon the same property for the same year and years, then he shall give the applicant a certificate under his seal of office, in which he shall state the amount of taxes which the applicant is entitled to have refunded to him by the State, and the year or years for which it was paid, and he shall give the applicant a similar certificate, in which he shall state the amount of taxes which the applicant is entitled to have refunded to him by the county.

Auditor's warrant.

SEC. 3. Be it further enacted. That it shall be the duty of the State Auditor, upon the presentation of the certificate of the Judge of Probate as provided in Section 2 of tins act, to draw his warrant upon the State Treasurer for the amount of money set forth in such certificate, and so much money, now in the State treasury, not otherwise appropriated, as may be necessary is hereby appropriated for such purpose.

County warrant.

SEC. 4. Be it. further enacted, That it shall be the duty of the Board of County Commissioners of any county upon the presentation to it of the certificate of the Judge of Probate as provided in Section 2 of this act, to draw its warrant upon the county treasurer, for the amount set forth in such certificate, or to authorize and direct its payment in some other manner, and it shall be the duty of the Board of County Commissioners to provide the means with which to pay the amount set forth in all such certificates.

SEC 5. Be it further enacted. That in all cases when any tax payer has paid taxes upon his property after the same has been sold for taxes, and purchased by or in the name of the State, such tax payer shall be allowed a proper credit by the tax collector of the county where the property is situated, for all the taxes that have been paid, subsequent to such sale for taxes, and such credits shall also be allowed by the Judge of Probate or Auditor upon the redemption or purchase of such property from the State by the owner thereof.

No costs.

SEC. 6. Be it further enacted, That there shall be no fees, or charges, as court costs, in the proceedings in the Probate Court under the provisions of this act.

Approved December 6, 1888.

No. 4.] AN ACT [H. B. 63.

To fix the time of holding the circuit courts in the counties composing the fourth judicial circuit.

SECTION 1. Be it enacted by the. General Assembly of Alabama, That the circuit courts in the several coun-

Fourth circuit. ties composing the fourth judicial circuit shall, after the passage of this act, be held at the following times, to-wit:

1. In the county of Perry on the last Mondays in February and August, and may continue three weeks.

2. In the county of Dallas on the third Mondays after the last Mondays in February and August, and may continue three weeks.

3. In the county of Hale on the sixth Mondays after the last Mondays in February and August, and may continue three weeks.

4. In the county of Lowndes on the ninth Mondays after the last Mondays in February and August, and may continue three weeks.

5. In the county of Wilcox on the twelfth Mondays after the last Mondays in February and August, and may continue three weeks.

Approved December 4,1888.

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No. 5.] AN ACT [H. B. 51.

To authorize the taking and perpetuating of the testimony of witnesses who are non-residents of this State.

SECTION 1. Be it enacted by the General Assembly of

Testimony of non-resident. Alabama, That the testimony of a witness who is a non-resident of this State may be taken conditionally and perpetuated, as hereinafter provided.

SEC. 2. Be it further enacted, That applicant must make affidavit before a circuit or probate judge, or

Affidavit. register in chancery, stating : First, that he is a party or expects to be a party to a suit either at law or in equity in a court of this State. Second, that the testimony of a witness whose name and place of residence

are stated, is necessary to the prosecution or defense of such suit. Third, if such suit is not actually commenced the name of the party who is expected to be adverse therein, and the residence or home office of such party.

SEC. 3. Be it further enacted. That the applicant may file with said affidavit interrogatories to be propounded to the witness, of which, and the residence of the witness, and of the commissioner to be appointed, such judge or register must give the opposite party, when known, or his attorney, notice in writing, who has ten days thereafter to file cross-interrogatories, to which the party filing the interrogatories may file rebutting interrogatories. After the expiration of ten days a commission accompanied by the copy of the interrogatories, and the cross and rebutting interrogatories, it tiled, must be issued by such judge or register, to take the deposition, which may be taken at such time and place as the commissioners shall appoint, and the commissioners or commissioner shall certify said depositions as in cases taken in the chancery court; shall reduce the answer to writing, and after reading the same, shall return the package by mail or express or by private conveyance to the judge or register from whom the commission issued. And such papers when received must be filed and recorded by the clerk of the circuit court or the register in chancery, or the probate judge on the register minute book of such court.

Interrogatories.

Commission.

SEC. 4. Be it further enacted, If a trial be had between the persons described in the affidavit ;is parties, actual or expected, or their privies or successors in interest, the deposition or certified copy thereof, may be given in evidence by either party.

SEC. 5. Be it further enacted, That the deposition so read in evidence as the oral testimony or the deposition of such witness, and no other; and every objection to the witness or to the relevancy of any question put to him or of any answer made by him, may be made in the same manner as if he was orally examined on the trial, or his deposition had been taken in the case.

Deposition in evidence.

SEC. 6. Be it further enacted. That the fee of the probate judge and register and clerk of the circuit court, shall be the same as now allowed by law for

Fees.

such services in other cases of taking depositions, to be paid by the party applying for such testimony.

Approved December 7, 1888.

No. 6.] AN ACT [H. B. 21.

To authorize the separate redemption of distinct parcels of land sold for taxes under one decree.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in all cases where distinct parcels, lots or tracts of land have been assessed for taxation against the owner or the person claiming to be the owner thereof, and the value of each of such distinct lots, parcels or tracts ha-; been separately ascertained or determined by the. assessment, and all of such distinct tracts, lots or parcels are sold together under one decree of sale against such owner or person claiming to be the owner of all such distinct tracts, lots or parcels of laud, any person other than the person against whom the decree was rendered, whose interest in any one or more of such distinct lots, tracts or parcels of laud is such as entitles him to redeem, but who has no interest in other tracts or parcels sold under such decree, may redeem the tracts, lots or parcels in which he has such interest without redeeming the tracts, lots or parcels in which he had no interest.

Interested persons may redeem.

SEC. 2. Be it further enacted, That any person desiring to redeem under this act must file with the judge of probate an affidavit setting forth the date of the decree, the name of the defaulting tax-payer against whom the same was rendered, the number and description of each of the distinct lots, tracts or parcels of land assessed for taxation against such defaulting tax-payer, and the value at which each separate tract, lot or parcel was assessed, the tracts, lots or parcels which. the affiant has the right to redeem by reason of his interest therein, and the nature of such interest; and that he has no interest in the other lots, tracts, or parcels, and the proportion which the assessed value of the lots, tracts, or parcels which he proposes to redeem bears to the total assessment against the defaulting

Affidavit with judge of probate.

tax-payer, against whom the decree of sale was rendered.

SEC. 3. Be it further enacted, That to obtain such redemption, the party entitled thereto must deposit with the judge of probate of the county in which the land is situate, an amount of money which bears the same proportion to the while sum for which all the lands were sold that the assessed value of the lands proposed to be redeemed bears to the whole amount of taxes assessed against the defaulting tax-payer with interest thereon at the rate of fifteen per cent. per annum, all taxes which have been assessed upon the land sought to be redeemed since the day of sale, whether as an assessment against a tax-payer or on the descriptive lists of lands bid in for the State, sent to the assessor by the auditor with interest thereon at the rate of eight per cent. per annum, and all costs to officers that may legally have accrued, unless such taxes and costs have already been paid by him, which may be shown by the receipt of the tax collector, and one dollar to the judge of probate as his fee upon such redemption, and the person so redeeming shall have a lien on the lands so redeemed for the money expended by him in effecting the same. Must deposit money. Fee.

SEC. 4. Be it further enacted, That this act shall apply to sales heretofore made where the land sold was bid in for the State.

Approved December 7, 1888.

No. 7.] AN ACT [H. B. 117.

To amend an act entitled an act to amend section 499 of the Code of Alabama, approved February 189, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to amend section 499 of the Code of Alabama, approved February 18, 1887, be amended so as to read as follows, to-wit :

SECTION 499— Cities and towns may adopt provisions of this Chapter.—Any incorporated city or town in this State may, by an ordinance, adopts the provisions of this chapter regulating the assessment and collection. City taxes.

of taxes by such city officers or agents, so far as the same may be applicable, and shall have the same right to sell property and make titles to property sold for taxes, as is provided for collecting State and county taxes ; but any such city or town must first by ordinance adopt such parts of this chapter, for said purposes, as they desire to put in force, but no city (except Mobile, Montgomery, Marion, Brewton, Cullman, Selma, Eufaula, Russellville, Tuskegee and Uniontown,) or town or county shall assess, levy or collect any license tax on any business or occupation upon license tax. Nothing herein contained shall effect the provisions of the act for the reduction and funding of the debt of the city of Mobile, approved March 9th, 1875. The city council of Opelika may assess, levy and collect a license tax on banks or bankers, the keepers of livery stables, meat markets, and those engaged in the business of running drays and hacks for hire.

Approved December 8, 1888.

No. 8] AN ACT [H. B. 2

To regulate the time of holding the circuit courts in the fifth judicial circuit of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the time for holding the circuit courts in the various counties of the fifth judicial circuit shall be as follows, viz:

Fifth circuit.

1. In the county of Randolph on the fourth Mondays in February and August, and continue one week each time.

2. In the county of Chambers on the first Monday after the fourth Monday in February and August, and may continue two weeks.

3. In the county of Tallapoosa on the third Monday after the fourth Monday in February and August, and may continue two weeks.

4. In the county of Macon on the fifth Monday

after the fourth Monday in February and August, and may continue two weeks.

5. In the county of Coosa on the seventh Monday after the fourth Monday in February, and continue one week, and the seventh Monday after the fourth Monday in August, and may continue two weeks.

6. In the county of Elmore on the eighth Monday after the fourth Monday in February, and may continue two weeks, and on the ninth Monday after the fourth Monday in August, and may continue two weeks.

7. In the county of Autauga on the tenth Monday after the fourth Monday in February, and continue one week, and on the eleventh Monday after the fourth Monday in August and may continue two weeks.

8. In the county of Chilton on the eleventh Monday after the fourth Monday in February, and may continue two weeks ; and on the thirteenth Monday after the fourth Monday in August, and may continue two weeks.

9. In the county of Bibb on the thirteenth Monday after the fourth Monday in February, and continue one week, and on the fifteenth Monday after the fourth Monday in August, and continue one week ; Provided, That the presiding judge may in his discretion continue the winter term of said court longer that one week for Bibb county, and until the business of said court is finished ; Provided further, That the juries summoned for said term shall continue to perform the duties of jurors for said term and until the adjournment of the court.

Sec. 2 Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed ; Provided, This act shall not go into effect until July 1, 1889.

Approved December 8, 1888.

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No.9] AN ACT [H. B. 158.

To amend section 2721 of the Code of Alabama.

Section 1. Be it enacted by the General Assembly of

Alabama, That section 2721 of the Code of Alabama be amended so as to read:

Section 2721—Failure of unsuccessful party to deliver property.—If the unsuccessful party who has given bond and taken the property into possession, fails for thirty days after judgment to deliver the property and to pay the damages assessed for the detention thereof and the costs, the sheriff must upon the bond make return of the fact of such failure ; and thereupon the bond has the force and effect of a judgment, on which execution may issue against any or all the obligators therein for the alternate value of the property as assessed by the jury, the damages assessed for its detention and the costs: Provided, That if the suit is by a mortgagee or by his assignee against the mortgagor, or one holding under him, if the amount of the mortgage debt is ascertained to be less that the value of the property sued for and the defendant has given bond and taken the property into possession and fails, for thirty days after the judgment to deliver the property, execution may issue against any or all the obligators of the bond for the amount of the mortgage debt assessed by the jury and the costs. If the property be delivered and the damages assessed for its detention and the costs be not paid the sheriff must upon the bond make return of the facts, and execution must issue against any or all of the obligors for such damages and costs or for either, as either may be unpaid.

Bond for damages and cost; sheriff's duties.

Approved December 12, 1888.

No. 10.] AN ACT [H. B. 71.

To amend section 2719 of the Code of Alabama.

Section 1. Be it enacted by the General Assembly of Alabama, That section 2719 of the Code of Alabama be amended so as to read as follows :

Section 2719—Assessment of value and damages upon the trial.—The jury must if they find for the plaintiff assess the value of each article separately, if practicable, and also assess damages for its detention ; if they

Duties of jury.

find for the defendant they must in like manner assess the value, and if in the possession of the plaintiff, assess damages for its detention. Judgments against either party must be for the property sued for, or its alternate value, with damages for its detention to the time of trial ; Provided, That if the suit is by a mortgage, or by his assignee against the mortgagor or one holding under him, of the mortgage debt is ascertained to be less than the value of the property sued for, then such judgment must be for the property sued for or the amount of the mortgage debt.

Approved December 12, 1888.

No. 11.] AN ACT [H. B. 167.

To repeal paragraphs thirty-five (35) and thirty-six (36) of section 629 of the Code of Alabama.

Drummer's license repealed.

Section 1. Be it enacted by the General Assembly of Alabama, That paragraphs 35 and 36 of section 629 of the Code of Alabama, be and the same are hereby repealed.

Approved December 10, 1888.

No. 12.] AN ACT [s. 68.

To provide for the payment into court of money tendered for redemption of real estate, on trials of unlawful detainer suits.

Unlawful detainer.

Section 1. Be it enacted by the General Assembly of Alabama, That upon the trial of all unlawful detainer suits brought under section 1882 of the Code, it shall be the duty of the justice of the peace or jury trying the same, if the verdict is for the plaintiff, to ascertain and determine by the verdict, the amount tendered for the redemption of the property sued for, and if the same has not been paid, it shall be the duty of the justice or the judge trying the case to make an order in the judgment entry, ordering the issue of a writ of

restitution, only upon the payment, within ninety days, to the party to whom such tender was made, or to the justice or clerk of the court trying the case, for the use of such party, the said amount so ascertained and determined ; Provided, that in the ascertainment of such amount tendered, the amount, if any, found to be due from the party to whom the tender was made to the plaintiff for rent during the detention, shall be deducted therefrom and such ascertainment shall only be for the balance.

Approved December 12, 1888.

No. 13.] AN ACT [s. 54.

To provide for the insuring and repairing upon the property of the State under the management and control of the board of trustees of the Alabama Instatute for the Deaf, and to make appropriation therefor.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the board of trustees of the Alabama Institute for the Deaf, to provide good and sufficient insurance upon the property of the State and under their control, and keep and maintain said property under good repair.

Insurance and repairs.

SEC. 2. Be it further enacted, That for the purpose of insuring and repairing said property there be and is hereby appropriated, annually, the sum of one thousand dollars, to be drawn by said board of trustees in like manner as appropriations for the Alabama Institute for the Blind are now drawn, and that said appropriation shall be expended by said board for the purposes in section one of this act mentioned, and for no other purpose.

$1,000 annually appropriated.

Appreved December 10, 1888.

No. 14] AN ACT [H. B. 105.

To create the Tenth Judicial Circuit of the State of Alabama, and to fix the time for holding court therein, and to provide for the appointment and election of a judge and solicitor for said circuit.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there is hereby created an additional judicial circuit in this State, to be known as the Tenth Judicial Circuit of the State of Alabama, and to be composed of the counties of Jefferson, Walker and Winston. Tenth circuit created.

SEC. 2. Be it further enacted, That the circuit court in the several counties composing said circuit shall be held at the respective court-house thereof in each year, as follows: When court to be held.

In the county of Winston on the second Mondays in February and August, and at each term may continue one week.

In the county of Walker on the third Mondays in February and August, and at each term may continue three weeks.

In the county of Jefferson on the fourth Mondays after the third Mondays in February and August, and, at each term, may continue until the business of the court is disposed of ; Provided, that during the terms of said court in the county of Jefferson, the presiding judge may order such recess or recesses as in his opinion the business of the court may require or allow.

SEC. 3. Be it further enacted, That the Governor shall, within fifteen days after the approval of this act, appoint a judge of said judicial circuit, who shall continue in office until the next general election of judges of said circuit shall be elected as required by law for the election of judges of the other judicial circuits. Judge.

SEC. 4. Be it further enacted, That the General Assembly shall, as soon as practicable after the approval of this act, elect by ballot, as required by law in the election of solicitors for the other judicial circuits, a solicitor for said circuit, who shall continue in office until the next election of solicitors for the several judi- Solicitor.

cial circuits of the State, and until his successor is elected and qualified, and thereafter solicitors shall be elected for said circuit in the manner and at the times prescribed for the election of solicitors for the other judicial circuits ; Provided, the salary of the solicitor of the tenth judicial circuit shall be only fifteen hundred dollars per annum, and it shall be the duty of said solicitor to act as assistant solicitor in the criminal court of Jefferson county.

Grand Jury.

SEC. 5. Be it further enacted, That for the county of Jefferson, grand juries shall be empanneled only at such terms of said court as the presiding judge may order.

SEC. 6. Be it further enacted, That this act shall not take effect until the judge of said circuit shall be appointed, and the solicitor of said circuit shall be elected as herein above provided.

SEC. 7. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved December 12, 1888.

No. 15] AN ACT [H. B. 193.

To complete, furnish and equip the buildings of the Agricultural and Mechanical College.

Appropriation.

SECTION 1. Be it enacted by the General Assembly of Alabama, That for the purpose of completing, furnishing and equipping, with appliances needed for educational purposes, the buildings of the Agricultural and Mechanical College, there is hereby appropriated the sum of fifty thousand dollars ($50,000) ; it being provided that one-half of said sum shall be paid in the fiscal year ending September 30th, 1889, and the remaining half in the fiscal year ending September 30th, 1890.

SEC. 2. Be it further enacted, That no portion of the money herein appropriated shall be used to pay the salary, or part of the salary of any officer or agent of the college.

SEC. 3. Be it further enacted, That the money herein

appropriated shall be drawn from the State treasury by the treasurer, or other authorized agent of the college, on the warrant of the auditor, approved by the Governor ; said approval to be given when the Governor has received satisfactory certification that the liability for the amount named in the warrant has been incurred by the authorities of the college, in accordance with the purpose3s set forth in this act.

Approved December 12, 1888.

No. 16] AN ACT [H. B. 185.

To provide for deficiencies in appropriations for " public printing" for the fiscal year ending September 30, 1887, and for deficiencies in appropriation for distributing "acts, journals and other public documents," for the fiscal year ending September 30, 1888, and to make appropriations to cover such deficiencies.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of one thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to cover the deficiency in the appropriation for public printing for the fiscal year ending September 30, 1887. Deficiency for public printing.

SEC. 2. Be it further enacted, That the sum of three hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to cover the deficiency in the appropriation for distributing acts, journals and other public documents, for the fiscal year ending September 30, 1888. For distributing Acts, &c.

SEC. 3. Be it further enacted, That it shall be the duty of the Auditor to examine carefully all accounts presented for payment for public printing which accrued during the fiscal year ending September 30, 1887, and for distributing acts, journals and other public documents which accrued during the fiscal year ending September 30, 1888, and if he finds them to be correct, to audit and allow such as he finds to be correct out of the funds appropriated in sections 1 and 2 of this act, and to draw his warrant in payment of the same. Duties of Auditor.

Approved December 12, 1888.

No. 17.] AN ACT [H. B 340.

An act to authorize corporations organized under the general incorporation laws of the State, or which have been chartered by an act of the General Assembly prior to the enactment of the general incorporation laws of this State of 1867, to alter and amend their charters.

Corporations. SECTION 1. Be it enacted by the General Assembly of Alabama, That any corporation which has been heretofore, or may be hereafter formed under the general incorporation laws of the State, and any corporation which has heretofore been chartered by an act of the General Assembly prior to the enactment of the general incorporations laws of this State of 1867, may alter or amend its charter in the manner hereinafter provided.

May alter or amend charter. SEC. 2. Be it further enacted, That not less than three-fourths in number of the stockholders of any such corporation, holding not less than two-thirds in value of the stock thereof, shall file in the office of the judge of probate of the county wherein the original declaration of incorporation was filed, or in cases where the charter was granted by an act of the General Assembly prior to the enactment of the general incorporation laws of this State of 1867, in the office of the judge of probate of the county wherein such corporation has its principal place of business, or in the office of the Secretary of State, in cases where such original declaration was filed in the office, a declaration in writing signed by them setting forth—1st, when said corporation was organized, its name, what changes, if any, is desired to be made in such name, and the amount of its capital stock which has been subscribed for and taken. 2nd, The names of the stockholders signing the same, and the amount of stock held by each. 3rd, The purposes of the corporation and the nature of its business, as the same is set forth in the original declaration, and the alterations or amendments thereof desired ; and 4th, the amount of the capital stock, as shown by said original declaration, and the amount to which it is proposed to decrease such capital stock, if a decrease is proposed ; Provided,

that no such change or alteration in the charter of any corporation shall authorize it to exercise any powers, or do any acts which similar corporations are not authorized to exercise and do, under the laws existing at the time such alteration or amendment is made, nor to decrease its stock below the minimum fixed by these existing laws.

SEC. 3. Be it further enacted, That said declarations shall be verified by the affidavit of some one or more of the signors, stating that the statements therein contained are true, and that the signers thereof signed the same in the presence of affiant, or acknowledged their signatures thereto to him. Declaration to be verified.

SEC. 4. Be it further enacted, That upon the filing of the declaration provided for herein the office of the judge of probate or Secretary of the State, as the case may be, it shall be the duty of that officer to issue a certificate, certifying that such corporation under its new name and style, is duly authorized to do business with the powers and capacity conferred after such alterations and amendments. Said declaration and certificate must both be recorded in the office of the judge of probate or the Secretary of State, in and from which the same are filed and issued. Duties of judge of probate or Secretary of State.

Approved December 12, 1888.

No. 18.] AN ACT [s. 116.

To regulate the summoning of the Superintendent of the Alabama Insane Hospital as a witness in certain cases, and to authorize the taking his testimony by deposition.

SECTION 1. Be it enacted by the General Assembly of Alabama, That hereafter the superintendent of the Alabama Insane Hospital shall not be compelled to attend as a witness in any case to render testimony as an expert on any question of insanity or psychological medicine, provided his absence from the hospital, will, in his best judgment, interfere seriously with the discharge of his official duty as superintendent, and he shall so certify in writing to the court issuing the Sup't Insane Hospital.

summons within ten days after the service of the summons.

SEC. 2. Be it further enacted, That the defendant in criminal cases, or the State by the consent of the de-

Deposition may be taken.

fendant, or in civil cases, either party may take the deposition of said superintendant as to all matters involving his opinion as an expert, where such testimony is admissible.

Approved December 12, 1888.

No. 19] AN ACT [s. 53

To provide for additional improvements and buildings for the Alabama Academy for the Blind, and the furnishing of the same.

SECTION 1. Be it enacted by the General Assembly of

Academy for the Blind, new buildings, and steam for heating and machinery.

Alabama, That there shall be an additional school building erected on the premises of the Alabama Academy for the Blind, for the use of the pupils thereof, and there shall be erected and equipped on said premises a building and stack for the generating of steam for heating said academy and school building, and for the running of the machinery in the workshop of said academy.

SEC. 2. Be it further enacted, That the purpose of carrying into effect the provisions of this act, there

Appropriation ; how to be expanded.

be and hereby is appropriated the sum of eleven thousand and six hundred dollars ; said sum shall be drawn by the board of trustees having control of said academy in like manner as other appropriations for said academy are now drawn, and shall be expended by said board for the purposes mentioned in section one of this act, except that said board may expend the sum of six hundred dollars, or so much thereof as may be necessary of said appropriation in the grading and improving the grounds of said academy ; and except further, that said board may expend of sum so appropriated, the sum of five hundred dollars in the purchase of suitable furniture for said academy ; Provided, that of said sum of eleven thousand six hundred dollars herein appropriated, the sum of five thousand dollars

only shall be drawn by said board during the present fiscal year, and the balance thereof shall be drawn during the next succeeding fiscal year.

Approved December 12, 1888.

No. 20.] AN ACT [s.1.

To amend section 714 of the Code of 1886.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 714 of the Code of 1886 be amended so as to read as follows :

Section 714. Northeastern division ; times and places of holding court.—The chancery courts in the northeastern division shall hereafter be held at the following times and places : Chancery courts, N. E. division.

In the eleventh district, composed of the county of Randolph, at Wedowee, on the second Monday in January and July, and continue three days. 11th district.

In the first district, composed of the county of Chambers, at La Fayette, on the first Thursday after the second Monday in January and July and continue three days. 1st district.

In the second district, composed of the county of Lee, at Opelika, on the third Monday in January and July, and continue six days. 2d district.

In the third district, composed of the county of Tallapoosa, at Dadeville, on the fourth Monday in January and July, and continue three days. 3d district.

In the fourth district, composed of the county of Coosa, at Rockford, on the first Thursday after the fourth Monday in January and July, and continue three days. 4th district.

In the eighth district, composed of the county of Elmore, at Wetumpka, on the second Monday in March and September, and continue three days. 8th district.

In the seventh district, composed of the county of Chilton, at Clanton, on the first Thursday after the second Monday in March and September, and continue three days. 7th district.

In the sixth district, composed of the county of Shelby, at Columbiana, on the third Monday in March and September, and continue three days. 6th district.

In the twelfth district, composed of the county of
12th district. Clay, at Ashland, on the first Thursday after the third Monday in March and September, and continue three days.

In the fifth district, composed of the county of Tal-
5th district. ladega, at Talladega, on the fourth Monday in March and September, and continue six days.

In the tenth district, composed of the county of Cle-
10th district. burne, at Edwardsville, on the first Thursday after the second Monday in April and October, and continue three days.

In the ninth district, composed of the county of Cal-
9th district. houn, at Jacksonville, on the third Monday in April and October, and continue six days.

In the thirteenth district, composed of the county of
13th district. Dekalb, at Fort Payne, on the second Monday in May and November, and continue three days.

In the fourteenth district, composed of the county of
14th district. St. Clair, at Ashville, on the first Thursday after the second Monday in May and November, and continue three days.

In the fifteenth district, composed of the county of
15th district. Etowah, at Gadsden, on the third Monday in May and November, and continue six days.

In the sixteenth district, composed of the county of
16th district. Marshall, at Guntersville, on the fourth Monday in May and November, and continue three days.

In the seventeenth district, composed of the county
17th district. of Cherokee, at Centre, on the first Monday in April and October, and continue three days.

SEC. 2. Be it further enacted, That the county of
Autauga at- Autauga be and the same is hereby detached from the
tached to N. southwestern chancery division, and attached to the
E. division. northeastern chancery division, and numbered eighteenth district, and the courts thereof to be held at
18th district. Prattville, in said county, on Thursday before the second Monday in March and September, and continue three days.

SEC. 3. Be it further enacted, &c., That said section 714, as it stands in said Code of 1886, be and the same is hereby repealed, so far as the same is in conflict with this act.

Approved December 12, 1888.

No. 21.] AN ACT [H. B. 232

To make appropriations for the ordinary expenses of the Executive, Legislative and Judicial Departments of the State, for interest on the public debt and for public schools.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the following sums of money, or so much of each sum as may be necessary, be and they are hereby appropriated for the purposes hereinafter specified, to be paid out of any moneys in the treasury not otherwise appropriated, for the fiscal year ending respectively on the thirtieth day of September, eighteen hundred and eighty-nine, and on the thirtieth day of September, eighteen hundred and ninety, to-wit : Appropriations.

1. For compensation of the Governor, three thousand dollars for each year ; in all six thousand dollars. Executive officers.

2. For compensation of the Secretary of State, eighteen hundred dollars for each year ; in all three thousand six hundred dollars.

3. For compensation of the State Auditor, eighteen hundred dollars for each year ; in all three thousand six hundred dollars.

4. For compensation of the State Treasurer, twenty-one hundred dollars for each year ; in all four thousand two hundred dollars.

5. The compensation of the Attorney-General, fifteen hundred dollars for each year ; in all three thousand dollars.

6. The compensation of the Superintendant of Education, twenty-two hundred and fifty dollars for each year ; in all four thousand five hundred dollars.

7. For compensation of the Governor's private secretary, fifteen hundred dollars for each year ; in all three thousand dollars. Secretarys.

8. For compensation for the Governor's recording secretary, fifteen hundred dollars for each year; in all three thousand dollars.

9. For compensation of one clerk in the office of Secretary of State, fifteen hundred dollars for each year ; in all three thousand dollar. Clerks.

10. For compensation for three clerks in the office of the State Auditor, fifteen hundred dollars each for each year ; in all nine thousand dollars.

11. For compensation of two clerks in the office of State Treasurer, fifteen hundred dollars each for each year ; in all six thousand dollars.

12. For compensation for two clerks in the office of Superintendent of Education, fifteen hundred dollars each for each year, in all six thousand dollars.

13. The compensation of temporary clerks in the Executive offices, one thousand dollars for each year ; in all two thousand dollars.

Messenger. 14. For compensation of messenger in the Executive office, three hundred dollars for each year ; in all six hundred dollars.

Servants. 15. For compensation of two servants in the Executive office, three hundred dollars each for each year ; in all twelve hundred dollars.

Keeper of Capitol. 16. For compensation of keeper of the Capitol, one hundred and fifty dollars for each year ; in all three hundred dollars.

Watchmen. 17. For compensation of two watchmen at the Capitol, nine hundred dollars each for each year ; in all thirty six hundred dollars.

Supreme Court—Justices, etc. 18. For compensation of the Chief Justice and two Associate Justices of the Supreme Court, thirty-six hundred dollars each for each year ; in all twenty-one thousand six hundred dollars.

19. For compensation of Marshall of the Supreme Court and Librarian, fifteen hundred dollars for each year ; in all three thousand dollars.

20. For compensation of Assistant Librarian, three hundred dollars for each year ; in all six hundred dollars.

21. For compensation of the Reporter of Supreme Court decisions, nine hundred dollars for each volume reported and published.

22. For compensation of the Secretary of Chief Justice, fifteen hundred dollars for each year ; in all three thousand dollars.

23. For compensation of one servant for the Supreme Court, three hundred dollars ; in all six hundred dollars.

Circuit judges. 24. For compensation of nine Circuit Court Judges, twenty-five hundred dollars for each Judge for each year ; in all forty-five thousand dollars.

25. For compensation of four Chancellors, twenty- Chancellors.
five hundred dollars for each Chancellor for each year ;
in all twenty thousand dollars.

26. For compensation of ten Solicitors, three thon- Solicitors.
sand dollars for each Solicitor for each year ; in all
sixty thousand dollars.

27. For fuel, lights and water used in the Capitol Fuel, etc.
for the year ending September 30th, 1889, eighteen
hundred dollars, and for the year ending September
30th, 1890, twelve hundred dollars ; in all three thou-
sand dollars.

28. For stationery, post-office box rents, and postage Stationery and
for the executive offices, three thousand dollars for the postage.
fiscal year ending September 30th, 1889, and two thou-
sand dollars for the fiscal year ending September 30th,
1890 ; in all five thousand dollars.

29. For insurance on the Capital building, the fur- Insurance.
nature therein and the library, eight hundred dollars
for each year ; in all sixteen hundred dollars.

30. For public printing and binding, including the Public print-
reports of heads of the departments, reports of State ing.
institutions, Supreme Court decisions, geological sur-
veys, acts and journals of the General Assembly, ad-
vertisements and proclamations, and all other printing
done in pursuance of law, for the year ending Septem-
ber 30th, 1889, twenty thousand dollars, and for the
year ending September 30th, 1890, ten thousand dol-
lars ; in all thirty thousand dollars.

31. for the arrest of absconding felons, twenty-five Arrest of fel-
hundred dollars for each year ; in all five thousand ons.
dollars.

32. For removal of prisoners, five thousand dollars Removal of
for each year ; in all ten thousand dollars. prisoners.

33. For feeding prisoners in the county jails, sixty- Feeding pris-
five thousand dollars for each year ; in all one hundred oners.
and thirty thousand dollars.

34. For incidental and contingent expenses, to be Contingent ex-
disbursed upon the order of the Governor, five thou- penses.
sand dollars for each year ; in all ten thousand dollars.

35. For per diem and mileage of Senators and Rep-
resentatives in the General Assembly, compensation of General As-
officers and employees of the Senate and House of sembly.
Representatives and incidental expenses of the session
of 1888-9, for the fiscal year ending September 30th,
1889, fifty thousand dollars.

36. For distributing the acts and journals of the Gen-
Distributing public documents. eral Assembly of 1888-9, Codes and other public documents, for the fiscal year ending September 30th, 1889, six hundred dollars, and for the year ending September 30th, 1890, four hundred and fifty dollars ; in all ten hundred and fifty dollars.

37. For the support of the public schools, two hun-
Public schools. dred and fifty thousand dollars additional for each year for the two years ending 30th of September, 1890, and 30th of September, 1897 ; in all seven hundred thousand dollars.

Interest on school funds. 38. For interest on the University fund, twenty-four thousand dollars for each year ; in all forty-eight thousand dollars.

39. For interest on Agricultural and Mechanical College bonds, twenty thousand two hundred and eighty dollars each year ; in all forty thousand five hundred and sixty dollars.

40. For interest on the sixteenth section fund, valueless sixteenth section fund and surplus revenue fund, for the public schools, one hundred and forty-five thousand dollars for each year ; in all two hundred and ninety thousand dollars.

Bonded debt. 41. For interest on the bonded debt of the State, embracing class A bonds of 1876, class B bonds of 1876, and class C bonds of 1876, and the six per cent. bonds of 1880, four hundred thousand dollars for each year ; in all eight hundred thousand dollars.

42. For compensation of the Secretary of the Sen-
Secretary of Senate and clerk of House. ate and the Clerk of the House of Representatives for filing and arranging the papers of the respective houses, in the Secretary of State's office, and for copying and indexing the journals of the respective houses, four hundred dollars each ; in all eight hundred dollars.

And whereas, the General Assembly of Alabama will not again be in regular session until after the close of the fiscal year ending September 30th (1890), eighteen hundred and ninety, therefore

SEC. 2. Be it further enacted, That the appropria-
Appropriations [continued. tions hereinbefore made in this act, for the year ending eighteen hundred and ninety, be and the same are hereby renewed and continued in force until and in-

cluding the first day of January, eighteen hundred and ninety-one ; Provided, that not more than one-fourth of the several sums appropriated hereinbefore for the year ending September the thirtieth, eighteen hundred and ninety, shall be expended in the period for which they are thus renewed and extended, except that for interest on the public debt, embracing therein interest on the University funds, or the Agricultural and Mechanical College bonds, and on the school fund, one-half of the amount hereinbefore appropriated for these purposes in the year ending September thirtieth, eighteen hundred and ninety, may be expended.

SEC. 3. Be it further enacted, That for the per diem and mileage of Senators and Representatives, and for pay of officers and employees of the Senate and House of Representatives, and for the incidental expenses of the session of the General Assembly, beginning on Tuesday after the second Monday in November, eighteen hundred and ninety, fifty thousand dollars is hereby appropriated ; Provided, that nothing herein contained shall be deemed an amendment or repeal of any law now in force, nor shall any appropriation herein made be construed to be in addition to appropriation for the same purpose or purposes, made by separate acts heretofore passed, or that may be hereafter passed at this session ; And provided further, that the appropriations for the same purposes or any of them in sections two and three of general appropriation act, approved December 11th, 1886, shall be construed to be embraced in the appropriation hereinbefore made in section one of this act, and shall not be deemed to be in addition thereto.

For next session of General Assembly.

Approved December 12, 1888.

No. 22] AN ACT [s. 52.

To provide for a Mechanical and Industrial Department in the Alabama Institute for the deaf.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there be and is hereby established a mechanical and industrial department in the Alabama institute for the deaf.

Institute for the deaf.

SEC. 2. Be it further enacted, That for the purpose
Appropriation. of establishing said department and to pay for the building and equipment thereof, there is hereby appropriated the sum of five thousand dollars.

SEC. 3. Be it further enacted, That said sum of
For buildings and equipm'ts money so appropriated shall be drawn by the board of trustees of said institute, as other appropriations therefore are now drawn, and shall by said board be expended in the erection and equipment of a suitable building for said mechanical and industrial department, and for no other purpose.

Approved February 4, 1889.

No. 23] AN ACT [s. 64.

To amend section 3792 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3792 of the Code be amended so as to read as follows :

3792 (4362). Judgment for value of property on con-
For larceny etc., value of articles added to cost. viction of larceny, and like offenses.—When the defendant is found guilty of larceny, obtaining property under false pretenses, embezzlement and all offenses punishable like larceny, the court, justice or jury trying the issues, unless the property has been returned or the value thereof paid to the owner, must assess the value of each article, and such assessed value shall be made an item of costs in the case, and shall be paid in like manner as the other costs taxed against the defendant, and the clerk of the court shall issue a certificate to the owner of the property for the value of such property as assessed by the court or jury.

Approved February 7, 1889.

No. 24.] AN ACT [H. B. 28.

To provide for increasing the capital stock of building and loan associations.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the capital stock of building and loan associations, incorporated under the general laws of this State, may be increased to a sum not exceeding two million dollars by the vote of the persons holding the larger amount in value of the capital stock at a meeting of the stockholders called for that purpose, of which meeting and the purpose for which it is called, thirty days notice must be given by publication for four consecutive weeks in some newspaper published in the town or city in which the corporation is located, and if at such meeting the persons holding the larger amount in value of the stock vote for sych increase, the proceedings of the meeting must be reduced to writing, signed by the president or other head of the corporation, and filed and recorded in the office of the judge of probate of the county in which the corporation has its principal place of business. In determining the amount of the increased capital stock of all building and loan associations incorporated prior to the Code of 1876, each share shall be valued at not less than forty nor more than fifty dollars.

Building and loan associations.

How capital stock may be increased.

Approved February 6, 1889.

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No. 25.] AN ACT [H. B. 125.

To amend section 716 of the Code of Alabama, fixing the time and place of holding the chancery courts in the southeastern chancery divisions.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 716 of the Code of Alabama, be and the same is hereby amended so as to read as follows, to-wit :

Section 716. Southeastern division ; times and places of holding court.—The chancery courts in the southeastern chancery division shall, on and after the pass-

S. E. chancery division.

age of this act, be held at the following times and places :

In the first district, composed of the county of Es-
1st district. cambia, at Brewton, on the first Monday in January and July, and may continue three days.

In the second district, composed of the county of
2d district. Conecuh, at Evergreen, on the Thursdays after the first Monday in January and July, and may continue three days.

In the third district, composed of the county of
3d district. Butler, at Greenville, on the second Monday in January and July, and may continue one week.

In the fourth district, composed of the counties of
4th district. Crenshaw and Covington, at Rutledge, on the Thursday after the third Monday in January and July, and may continue three days.

In the fifth district, composed of the county of
5th district. Lowndes, at Hayneville, on the fourth Monday in January and July, and may continue one week.

In the sixth district, composed of the county of
6th district. Montgomery, at Montgomery, on the first Mondays in April and October, and may continue three weeks.

In the seventh district, composed of the county of
7th district. Macon, at Tuskegee, on the third Mondays in January and July, and may continue three days.

In the eighth district, composed of the county of
8th district. Russell, at Seale, on the second Mondays in March and September, and may continue three days.

In the ninth district, composed of the county of
9th district. Bullock, at Union Springs, on Thursday after the second Monday in March and September, and may continue three days.

In the tenth district, composed of the county of
10 district. Pike, at Troy, on the first Mondays in February and August, and may continue one week each.

In the eleventh district, composed of the county of
11th district. Coffee at Elba, on the fourth Mondays in April and October, and may continue two days.

In the twelfth district, composed of the county of
12th district. Dale, at Ozark, on Thursday after the fourth Monday in April and October, and may continue three days.

In the thirteenth district, composed of the county of
13th district. Henry, at Abbeville, on the fourth Monday in March and September, and may continue three days.

In the fourteenth district, composed of the county of Barbour, at Eufaula, on the third Monday in March and September, and may continue one week. 14th district.

In the fifteenth district, composed of the county of Geneva, at Geneva, on Wednesday after the fourth Monday in April and October, and may continue two days. 15th district.

Approved February 7, 1889.

No. 26.] AN ACT [s. 137.

To amend paragraphs one, two, three and four of the second subdivision of section 749 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That paragraphs one, two, three, and four of the second subdivision of section 749 of the Code of Alabama, be and the same are hereby amended so as to read as follows :

Section 749. Times and places of holding court in the second circuit.—1. In the county of Covington on the first Monday in March, and may continue one week, and on the last Monday in August, and may continue two weeks, the criminal docket to be taken up on Wednesday, of the first week. Circuit court of second circuit.

2. In the county of Crenshaw, on the second Mondays of March and September, and at each term may continue two weeks ; Provided, that the provisions of this act shall not go into effect until after the next spring terms of the circuit court of said counties shall have been held.

3. In the county of Escambia, on the fourth Mondays in March and September, and may continue two weeks.

4. In the county of Conecuh, on the second Mondays after the fourth Mondays in March and September, and may continue two weeks.

Approved February 11, 1889.

No. 27.] AN ACT [s. 338.

To provide for an additional Judge of the Supreme Court of Alabama.

SECTION 1. Be it enacted by the General Assembly of Supr'me Court to consist of four judges. Alabama, That from and after the passage of this act, the Supreme Court shall consist of four judges, one Chief Justice and three Associate Justices.

Governor to appoint. SEC. 2. Be it further enacted, That the Governor shall fill the vacancy by the appointment of an additional judge for said court, who shall hold his office until the next general election of Judges of the Supreme Court, to be held on the first Monday in August, 1892 ; said appointment to be made within fifteen days after the passage and approval of this act.

Salary. SEC. 3. Be it further enacted, That the salary of said judge shall be the same as that of each of the present judges of said court now provided by law, and shall be payable in like manner.

When equally divided. SEC. 4. Be it further enacted, That whenever the four judges of the Supreme Court are equally divided on the question of the affirmance or reversal of an decree or judgment or appeal pending therein, they shall certify the fact of such division to the Governor, who shall then appoint a member of the bar of the Supreme Court to sit with them and hear determine such cause.

Approved February 18, 1889.

No. 28.] AN ACT [H. B. 433.

To declare void and of no force the sales of land for tax made by the tax collectors in this State previous to the first day of January, 1881, where such lands were bid in for the State, and have not been redeemed by the owner, or other persons entitled under the laws of the State to redeem such lands, or that have not been sold or transferred by the State under any law governing the sale or transfer of lands sold for taxes, and to remise, release, and quit-claim all the title of the State therein to the owner thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all sales of land made by the tax collectors in this State previous to 1881, for unpaid taxes, where such lands were bid in for the State, and have not been redeemed by the owner or other persons entitled under any laws of this State to redeem such lands, or where such lands have not been by the State sold or transferred under laws governing such sales or and of no force and effect, and the State hereby remises, releases, and quit-claims unto the owner of such lands all of its rights, title, interest in and to such lands.

State releases claim to land sold for taxes in certain cases

SEC. 2. Be it further enacted, That the Auditor shall correct the records of land sales in the Auditor's office in accordance with the provisions of this act, and shall certify such correction to the probate judge of the several counties.

Auditor's duties.

Approved February 18, 1889.

No. 29.] AN ACT [H. B. 543.

To authorize the Auditor to settle with the tax collectors for taxes collected and paid in by them for the year 1887, at the rate of commissions allowed by laws in force at time of adoption of Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Auditor of the State be, and he is hereby instructed to examine the final settlements made for the year 1887, with such tax collectors as paid into the State treasury over sixty thousand dollars in settlement of their account as such tax collector with the State for taxes collected by them for said year, and if upon such examination it shall appear that commissions on amounts in excess of sixty thousand dollars were allowed such tax collectors according to the rate prescribed by the Code of 1886, then to ascertain the difference between amount of such allowance made to each of such collectors and the amount of allowance that each would have received if commissions have been allowed him such amounts in excess

Auditor to have new settlement for 1887 with tax collectors who paid over $60,000.

of sixty thousand dollars, according to the rate of commissions fixed by the statute, of force during their late term of office, up to the time when the Code of 1886 went into effect, and that upon ascertaining such difference the Auditor will draw his warrant upon the Treasurer of the State in favor of such tax collectors to each for such amount of difference as shall be ascertained to exist in his favor, and said warrants the Treasurer of the State shall pay out any of funds in treasury not otherwise appropriated, and an appropriation is hereby made for the payment of said warrants.

Approved February 18, 1889.

No. 30.] AN ACT [H. B. 150.

To amend paragraph numbered one of section 1525 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That paragraph numbered one of section 1525 of the Code, be amended so as to read as follows :

Corporate succession.

1. To have succession by its corporate name for a period of thirty years.

Approved February 19, 1889.

No. 31] AN ACT [H. B. 200

To amend sections one, two and eleven of an act entitled an act to regulate the practice of pharmacy and the sale of poisons in towns and cities of more than one thousand inhabitants in the State of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to regulate the practice of pharmacy and the sale of poisons in the cities and towns of more than one thousand inhabitants in the State of Alabama, be amended so as to read as follows :

Pharmacy.

Unlawful unless registered.

Sec. 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act

it shall be unlawful for any person not a registered pharmacist within the meaning of this act, to conduct any pharmacy, drug store, apothecary shop or store located in any village, town or city in the State of Alabama of more than nine hundred inhabitants, or within two miles of any incorporated city or town of more than nine hundred inhabitants, for the purpose of retailing, compounding or dispensing medicines or poisons for medical use, except as hereinafter provided.

SEC. 2. Be it further enacted, That section two of an act entitled an act to regulate the practice of pharmacy and the sale of poisons in the cities and towns of more than 1,000 inhabitants in the State of Alabama, be amended so as to read as follows : Sec. 2. Be it further enacted, That it shall be unlawful for the propraetor of any store or pharmacy in any village, town or city, in the State of Alabama, of more than 900 inhabitants, or within two miles of any incorporated city or town of more than 900 inhabitants, to allow any person except a registered pharmacist to compound or dispense the prescriptions of physicians, or to retail or dispense poison and medicines for medical use, except as an aid to and under the supervision of a registered pharmacists. Any person violating the provisions of this section shall be deemed guilty of a misde- Penalty.
meanor, and on conviction shall be liable to a fine of not less than $25 nor more than $100 for each and every offense.

SEC. 3. Be it further enacted, That section 11 of an act entitled an act to regulate the practice of pharmacy and the sale of poisons in cities and towns of more than 1,000 inhabitants in the State of Alabama, be amended so as to read as follow : Sec. 11. Be it further en- Exceptions.
acted, That this act shall not apply to physicians putting up their own prescriptions, nor to the sale of proprietary medicines.

Approved February 20, 1889.

No. 32] AN ACT [H. B. 369

To amend section 3024 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3024 of the Code of Alabama be amended so as to read as follows: Sec. 3024. Record of statement and fee therefor.—The judge of probate shall indorse on such statement the date of its filing, and shall record the same in a book kept for that purpose, which shall be properly labeled and indexed, and note thereon the date of filing ; for all which he shall receive fifteen cents a hundred words, which shall be secured to the party filing the statement by such lien.

Judge of probate; duty, etc.

Approved February 19, 1889.

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No. 33] AN ACT [H. B. 613

To provide for the times of holding the Circuit Courts in the Sixth Judicial Circuit of this State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the circuit courts in the several counties composing the Sixth Judicial Circuit of this State, shall be held at the respective court houses thereof in each year as follows :

Time of holdidg court in sixth circuit.

In the county of Fayette, on the fourth Mondays in February and August, and at each term may continue two weeks.

In the county of Lamar, on the second Mondays after the fourth Mondays in February and August, and at each term may continue one week.

In the county of Tuskaloosa, on the fourth Mondays after the fourth Mondays in February and August, and at each term may continue three weeks ; Provided, That whenever, in the opinion of the presiding judge of said court, the public good shall not require that a grand jury shall be empanneled for any term of said court, he shall give the clerk of said court notice of the same, at least thirty days prior to the beginning of said term, and thereupon a grand jury shall not be

drawn, summoned, empanneled, or organized for such term.

In the county of Sumter, on the seventh Mondays after the fourth Mondays in February and August, and at each term may continue three weeks unless the business of the term is sooner disposed of.

In the county of Pickens, on the tenth Mondays after the fourth Mondays in February and August, and at each term may continue two weeks.

In the county of Greene, on the twelfth Mondays after the fourth Mondays in February and August, and at each term may continue three weeks, unless the business of the term is sooner disposed of ; Provided, That this act shall not go into effect until after the Spring Terms, 1889, of the several counties of the Sixth Judicial Circuit are held.

Approved February 19, 1889.

No. 34.] AN ACT [H. B. 37

To amend section 2732 of the Code of 1886, prescribing the time of pleading.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 2732 of the Code of 1886, be amended so that said section shall read as follows :

Section 2732. Time for pleading.—When the term of the court is but one week, the defendant must plead or demur to the complaint within the first two days ; and when the term of court is more than one week, within the first three days. Other pleadings may be filed in such time as the court may direct ; Provided, That in the circuit courts of the Fifth Judicial Circuit, and of the county of Escambia, when the term of the court is but one week, the defendant must plead or demur to the complaint within the first day of the term, and when more than one week, the defendant must plead or demur to the complaint by noon of the second day of the term. Time for pleading.

Approved February 21, 1889.

No. 35.] AN ACT [H. B. 447

To prescribe the mode and time of advertising property for sale levied on under executions issued on the judgment of justices, and notaries public with powers of justices, and under attachments issued by such officers, and to fix the place of sale.

SECTION 1. Be it enacted by the General Assembly of Alabama, That advertisements of property levied on under executions issued on judgments rendered by justices of the peace and notaries public with powers of justices of the peace, and under attachments issued by such officers shall be made by posting written notices of the time, place and term of sale, in three public places in the precinct in which the property is levied on, and the sale shall be had in the precinct in which the property is levied on ; provided, that whenever the property is advertised in the precinct in which the court house is located, one of said notices shall be posted on the court house door.

Sales under executions by justices.

Approved February 22, 1889.

No. 36.] AN ACT [H. B. 176

To authorize Judges of Probate to pay over to minors certain funds and take their receipts for the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in all cases where the Judges of Probate are under the law custodians of funds belonging to minors is of the age of eighteen years, and of sound mind, pay such funds to such minors when the amount thereof does not exceed one hundred dollars, and the receipt of the minor shall be a full acquittance and discharge of the liabilities of the judge, notwithstanding the minority of such parties to whom the funds are going.

Money to be paid minors.

Approved February 20, 1889.

No. 37.] AN ACT [H. B. 421

To make an appropriation for the expenses for encampments of Alabama State Troops for the years 1889 and 1890.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of $22, 500 (or $11,250, for the fiscal year ending September 30th, 1889, and the sum of $11, 250 for the fiscal year ending September 30th, 1890) be, and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of paying the expenses and costs of such encampments of State Troops as may be ordered in those year for the purpose of instruction and discipline ; including in such expenses the transportation of officers and men to and from camps, the preparation of camp grounds and any other expenses in connection therewith, which the Governor may deem legitimate and proper. Appropriation for encampments of State troops.

SEC. 2. Be it further enacted, That out of the amount appropriated the transportation of officers and men to and from encampments, shall first be set apart to each of the regiments, and the remainder of the sum for the year's appropriation shall be prorated amounf the several regiments according to the number of men actually present in camp. Transportation, etc.

SEC. 3. Be it further enacted, That the Governor shall make rules and regulations governing the disbursements of money under the provisions of this act ; all expenses authorized to be contracted by him shall be certified and verified by affidavit, and paid to such officer or officers as the Governor may direct. Governor regulates disb'rsement.

Approved February 20, 1889.

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No. 38.] AN ACT [H. B. 438

To authorize the filing and recording of certain deeds of conveyance therein named in the office of the Probate Court of the State

SECTION 1. Be it enacted by the General Assembly of

Alabama, That any deed or conveyance of any kind, estate or any interest therein, heretofore made and executed as required by law at the date of its execution, and which has not been filed and recorded within the time prescribed by law for other deeds of conveyance, and when so filed and recorded said deeds have the same force and effect in all things as they would legally have had if they had been filed and recorded within the time required by law at the time of the execution of such deeds, except as to bona fide creditors and purchasers without notice of the making and execution of such deed.

Old deeds, etc. can be recorded.

Approved February 21, 1889.

No. 39.] AN ACT [H. B. 89

To fix the rate of taxation in this State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That on all property liable to taxation in this State there shall be assessed and collected a tax of four and one-half (4 ½) mills for the fiscal year ending September 30th, 1890, and for each year thereafter four (4) mills.

Rate of taxation.

Approved February 20, 1889.

No. 40.] AN ACT [H. B. 87

To authorize members of the different Farmer's Alliances or other organizations of like kind of the State to organize themselves into a body corporate.

SECTION 1. Be it enacted by the General Assembly of Alabama, That when members of the different Farmers' Alliances, or other organizations of like kind in the State desire to organize themselves in a body corporate, they are hereby empowered to do so under the law authorizing corporations for any industrial,

Farmers' Alliances corporations.

business or lawful enterprise, and may proceed to perfect such organization under chapter 2, part 2, Title 1 of the Code.

SEC. 2. Be it further enacted, That all laws which are now applicable to corporations under said chapter 2, part 2, title 1, shall apply to such corporations ; provided, that the stockholders of such corporation may, through their by-laws, regulate the manner of voting, irrespective of any provisions now required by the code.

SEC. 3. Be it further enacted, That the provisions of this act shall also apply to corporations already organized by said Farmers' Alliances, or other organizations of like kind.

Approved February 19, 1889.

No. 41.] AN ACT [s. 180

To amend section 159 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 159 of the Code of Alabama be amended so as to read as follows : S. 159. Arms Ordinance Officers : —The Governor shall, whenever necessary, designate a depository for the undistributed military property of the State, and appoint a competent person as ordnance officer, to hold office at the pleasure of the Governor and to be subject to the order of the Adjutant-General, whose duty it is to keep such property in serviceable order, and to have mended at the expense of the State such small arms and property of the State, as may be sent at the expense of the State, to the depository for repair, and shall act as clerk of the Adjutant General. The ordinance officer shall receive a salary of not less than twenty-five nor more than fifty dollars a month, at the discretion of the Governor, to be paid monthly, and shall execute a bond in the sum of one thousand dollars, payable to the State for faithful performance of his duties, to be approved by the Adjutant General and renewable at his discretion.

Ordinance officer.

Duties.

Salary.

Approved February 20,1889.

No. 42.] AN ACT [s.179

To amend Section 157 of the Code.

Be it enacted by the General Assembly of Alabama, That section 157 of the Code of Alabama be amended so as to read as follows : Section 157. The Staff—The staff of the Governor consists of the following officers, to be appointed by him and commissioned as officers of the Alabama State Troops, holding office at his pleasure ; One Adjutant General, one Inspector General, one Judge Advocate General, one Quartermaster General, one Surgeon General, one Commissionay General, one Paymaster General, each with the rank of Colonel of Calvary ; an Assistant Adjutant General, and four Aides-de-camp, with the rank of Lieutenant Colonel, and an ordnance officer, with the rank of Captain of Artillery.

Governor's staff.

Approved February 20, 1889.

No. 43.] AN ACT [s. 336

To amend Section 677 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section six hundred and seventy-seven, (677) of the Code of Alabama be and the same is hereby amended so as to read as follows : (677) (573) Terms of Court—The regular term of the Supreme Court shall hereafter commence on the first Tuesday in November in each year, and continue, Sundays excepted, until the last day of June of the ensuing year, but the court may, in its discretion, adjourn from time to time ; and within twenty days after the approval of this act the Judges of the Supreme Court shall, by an order spread on its minuets and published in the first volume of its reports issued thereafter, fix the time for the call of consideration of the causes that may be pending on the docket of said court, so as to give notice of the time when each Division will be called, and the length of time allotted to each Division, and

Terms of Supreme Court.

To fix time for call of divisions.

such order when made, shall not be altered except by legislative authority.

Approved February 28, 1889.

No. 44] AN ACT [s.177

To enable planters, farmers and crop growers to convey by mortgage unplanted crops.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be lawful for planters, farmers, and crop growers to mortgage their crop or crops before the dame shall be planted, and that such mortgage shall convey the legal title to the same extent as if such crop or crops were at the time of the execution of such mortgage already planted ; Provided, that no such mortgage shall be valid so as to convey the legal title, if executed prior to the first day of January of the year in which the crop is grown. Unplanted crops can be mortgaged.

Approved February 23, 1889.

No. 45.] AN ACT [H. B. 702

For the better suppression of gambling.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall not be lawful for any person, either as principal or agent, in this State, to sell any pool or ticket, or other device or chance, or make or take any wager, or enter into any transaction whereby money or other valuable thing may be won or lost upon any horse-race, prize-fight, drill, base-ball game, or other contest of any kind not occurring in this State. Pool-selling.

SEC. 2. Be it further enacted, That it shall not be lawful for any person in this State to act as the agent of any other person in procuring or placing outside this State for such person any pool or ticket or other device or chance or wager, or to do anything in this State to aid any other person in entering into Agency for pool-selling prohibited.

any transaction whereby he may win or lose money or other valuable thing upon any horse race, prize fight, drill, base-ball game, or other contest taking place outside this State.

SEC. 3. Be it further enacted, That any person vio-
Penalty. lating any of the provisions of this act shall be guilty of a misdemeanor, and for each and every such offense, shall be fined not less than twenty-five nor more than five hundred dollars, and upon a second conviction of a violation of this act, he shall be sentenced to imprisonment in the county jail or hard labor for the county for thirty days. Upon each further conviction of a violation of this act, the party convicted shall be sentenced to such hard labor or imprisonment for thirty days in addition to the fine and imprisonment prescribed for the last preceding conviction thereof, that is : sixty days for the third conviction, ninety days for the fourth conviction and so on.

SEC. 4. Be it further enacted, That the mayor or
City officers other chief executive officer of each city or incorpora-
have concur- ted town in this State, shall have concurrent jurisdic-
rent jurisdic- tion with the proper courts of all offenses committed
tion. against this act in the county in which such city or town is situated, and it shall be especial duty of such officers, and of the municipal authorities of every such town or city to vigorously enforce this act within five miles of the limits of the same, and for that purpose the police shall have the same authority to make arrests within such limits as within such city or town.

SEC. 5. Be it further enacted, That any person con-
Appeals. victed of a violation of this act by a mayor or other chief executive officer of any city or incorporated town, may appeal from such judgment of conviction to the circuit or city court of the county in which is such city or town. Such appeal shall be governed in all respects by the laws regulating appeals from judgment of justices of the peace.

Approved February 29, 1889.

No. 46.] AN ACT [H. B. 885

To amend Section 4563 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 4563 of the Code be so amended as to read as follows :

4563. Must adopt rules to prevent inhuman treatment. The board of inspectors shall adopt such rules, to be approved by the Governor, as are necessary to prevent inhumane treatment, or cruel or excessive punishment of State and county convicts, and also to regulate the time and amount of work to be performed by them and the manner of working them.

Rules as to treatment of convicts.

Approved February 25, 1889.

No. 47.] AN ACT [H. B. 545

To amend section 21 of an act entitled an act to amend sections 6, 10, 16, 22, 24, 26, 27,29, 33, 35, 40, 41, 44, 46, 48, 49, 51, 53, 58, 65, 66, 67, 69, 70, 71, 73, 74, 75, 76, 77, 84, 87, 90, 97, 99, 103, 105, 111, 113, 116, 117, 118, 122, 127, 130, 131, and to repeal sections 43 and 123 of an act entitled an act to provide for the assessment and collection of taxes for the use of the State and the counties thereof, and to define the duties of officers engaged about the said assessment and collection of taxes, approved February 17, 1885, which last act was approved February 28, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 21 of the above act be amended so as to read as follows:

SEC. 21. That section 69 be so amended as to read as follows : Sec. 69. That it is the duty of the tax collector, when engaged in the collection of taxes, for any year, if he discovers that any person or property within his county has not been assessed by the assessor with the tax or taxes lawfully chargeable to such person or property for that year, or any preceding year, not more than five years before that time, forthwith to assess and collect the taxes due on the same,

Tax collector to assess property not previously assessed.

and in writing notify the assessor of the fact so discovered in order that proper assessment of unassessed taxes may be made. Whenever the tax collector assesses and collects any escaped taxes, he shall forthwith report the same to the Probate Judge, who shall enter such assessment in the back part of the book of assessments, and shall certify the amount collected and the items of property so assessed, in the form of an abstract to the State Auditor, and the tax collector shall be chargeable with the same, to the amount of taxes due the State and county respectively, and the tax collector shall have the same authority to administer oaths and propound questions as the tax assessor has, and any party refusing or failing to answer such questions or to give in his property, shall be liable to the same penalties as provided in cases where parties fail or refuse to give in their property to the tax assessor, or answer the questions required to be propounded by the tax assessor.

Probate judge to certify to State Auditor.

Approved February 23, 1889.

No. 48.] AN ACT [H. B. 25

To amend section 3027 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3027 of the Code of Alabama be and the same is hereby amended so as to read as follows :

SEC. 3027. List of employes, &c., furnished owner; effect of failure ; notice of intention to rely upon lien.—The original contractor shall, when so required, furnish to the owner or proprietor a complete list of all the material men, laborers, and employes, who have furnished any material or thing, or have done any labor, or performed any service, or who may be under any contract or engagement, to furnish any material or thing, or to do any labor, or perform any service, for such contractor for or on such building or improvement, with the terms and price thereof ; and if he fails or refuses to furnish such list, or to give information, or if he shall fail to pay any material man, sub-contractor, la-

Lien of contractor, laborer, employe, etc.

borer or employee in accordance with any special contract made with the owner or proprietor, he shall thereby forfeit his right to a lien under this chapter ; and every person except the original contractor, shall have a lien as provided for in this chapter for all work or service done, or material or thing furnished by him on or for such building or improvement, if at the time he begins to work or to furnish the material or thing ; or, if at the time he contracts to do such work or furnish material or thing on such building or improvement, he notifies the owner or proprietor or his agent or architect, in writing of his intention to rely upon the lien ; such person shall also have the said lien if such written notice is served on the owner or proprietor, or his agent or architect, during the progress of the work, or after its completion and before the contractor has been paid, but only to the extent of any sum or balance due or to become due by the owner or proprietor at the time the notice provided for in this section is given, and in no case to exceed the amount agreed to be paid by the owner or proprietor to the contractor or undertaker. The notice herein provided for shall not be invalid by reason of any defect of form ; Provided, it is sufficient to inform the owner or propraetor of his intention to rely upon the lien.

Approved February 28th, 1889.

No. 49.] AN ACT [H. B. 55

To provide for the sale of property of minors in order to remove the proceeds thereof from the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That when the property of a non-resident minor, or one who removes from the State, is ordered to be removed by the court having jurisdiction thereof, as provided in sections 2489, 2493, and 2494 of the Code, such court may, on the application of the person by whom such order of removal was obtained, order the sale of any real or personal property of such minor as may be necessary to effect such removal, upon satisfactory proof first being made to such judge of pro-

Removal of minor's property.

Can be sold.

bate or court of chancery that the sale of such property will be to the interest of the minor, which proof must be taken as in chancery cases, but such sale must be reported to and confirmed by the court ordering the same.

Approved February 26, 1889.

No. 50. AN ACT [H. B. 723

To authorize the Judge of the Circuit Court to fix, by an order entered upon the minutes of the court, the time when the criminal docket may be taken up at the next succeeding term in the several counties now composing the Seventh Judicial Circuit.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the Circuit Judge at any time when holding a term of the circuit court in any of the following counties, to-wit: Calhoun, Clay, Cleburne, Shelby, St. Clair and Talladega, may at his discretion, by an order entered upon the minutes of the court, fix the time when the criminal docket may be taken up at the next succeeding term ; and when such time is so fixed the criminal docket may be taken up at such term on the day so fixed by such order. But when no such order has been made at the preceding term, the criminal docket in said counties shall be taken up at the time now required by law in section 751 of the Code.

Crimi'al docket in counties of seventh circuit.

Approved February 26, 1889.

No. 51.] AN ACT [H. B. 594

Concerning sites for lighthouses and other aids for navigation.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever the United States desire to acquire title to land belonging to the State, and covered by the navigable waters of the United States.

within the limits thereof, for the site of a lighthouse, beacon, or other aid to navigation, and application is made by a duly authorized agent of the United States, describing the site required for one of the purposes aforesaid, then the Governor of this State is authorized and empowered to convey the title to the United States, and cede to the United States jurisdiction over the same; and upon like application the Governor of the State is authorized and empowered to convey the title to the United States of any land belonging to the State and covered by the navigable waters of the United States upon which any lighthouse or other aids to navigation has heretofore been erected, and to cede to the said United States jurisdiction over the same; Provided, No single tract shall contain more than (10) ten acres, and that the State shall retain concurrent jurisdiction so far as all process, civil or criminal, issuing under the authority of the State, may be executed by the proper officers thereof, upon any person or persons amenable to the same, within the limits of land so ceded, in like manner and to like effect as if this act had never been passed.

Governor to convey title to U. S. of land for light houses, etc.

Approved February 26, 1889.

No. 52.] AN ACT [H. B. 417

To provide for the publication of the Acts of the present session of the General Assembly.

SECTION 1. Be it enacted by the General Assembly of Alabama, That for making copies of the acts and joint resolutions of the present session of the General Assembly (as required by section 214 of the Code) and for adding marginal notes, making index and superintending the publication of the laws, the Secretary of State shall be allowed the sum of five hundred dollars, or so much thereof as may be necessary, to be paid out of any money in the State Treasury not otherwise appropriated.

Appropriation for copying Acts.

SEC. 2. Be it further enacted, That whenever the public printer shall certify that the copies of the laws and resolutions, with marginal notes and index, have

When payable.

been delivered to him as required by law, the Auditor shall draw his warrant in favor of the Secretary of State for the amount specified in the first section of this act, or so much thereof as the Secretary of State shall certify to be due for such service.

Approved February 26, 1889.

No. 53.] AN ACT [H. B. 420

To amend an act entitled an act to make an annual appropriation for the benefit of the State Agricultural Society, approved February 22, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of five thousand dollars ($5,000) be appropriated annually out of any money in the Treasury to the credit of the department of agriculture for the use of the Agricultural Society of the State, to be used by the executive committee of said society for promoting the objects of said society.

Annual appropriation for State Ag. Society.

SEC. 2. Be it further enacted, That said sum may be drawn by the president of said society upon the order of the Commissioner of Agriculture upon the State Treasury.

How drawn.

Approved February 25, 1889.

No. 54.] AN ACT [s. 88

To provide for the sale of the property of non-resident minors by guardians appointed in this State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That upon petitions by any guardian of a non-resident minor to the probate court of the county in which such appointment may be made, and proof taken as in chancery cases, showing that the wants or interests of the minors require that all or any part of such estate or property should be sold in this State, such probate court may authorize the sale, and the reinvestment of the proceeds thereof to be made accord-

Non-resident minors ; how property of can be sold.

ing to law in respect to the sale and reinvestment of the property of minors, who reside in this State ; or the court may order the proceeds of any such sale to be delivered over to the guardian appointed in the State in which his ward resides, upon a compliance by such guardian with section 2895 of the Code.

Approved February 26, 1889.

No. 55.] AN ACT [s. 702

To regulate the survey and division of lands into lots and the platting of the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any person or persons who shall wish to subdivide their lands into lots shall cause the same to be surveyed, by a competent surveyor, if not already surveyed, and shall cause a plat or map of said lands to be made, showing the subdivisions into which it is proposed to divide the same, giving the length and bearings of the boundaries of each lot and its number, and if it shall be the purpose of the owner or owners of the land to divide them into town lots, said plat or map shall show the streets, alleys and public grounds, and give the bearings, length, width, and name of each street, as well as the number of each lot and block. Such plat or map must show the relation of the lands so platted or mapped to the Government survey. How lands shall be subdivided into lots.

SEC. 2. Be it further enacted, The plat or map having been completed, shall be certified by the surveyor, which certificate must also be signed by the owner, or owners of the lands, his agent or duly authorizes attorney, and acknowledged by such owner, agent, or attorney in the same manner in which deeds are required to be acknowledged. The plat or map along with the certificate of the surveyor and acknowledgement shall be recorded in the office of the Judge of Probate in the county in which the lands are situated, in a book kept for that purpose, and such acknowledgment and record shall have like effect, and certified copies thereof and of such plat or map, may be Plat or map to be signed, acknowledged, and recorded.

used in evidence to the same extent and with like effect as in the case of deeds.

SEC. 3. Be it further enacted, The acknowledgment and recording of such plat or map shall be held in law

Recording is and in equity to be a conveyance, in fee simple of such conveyance of portion of the premises platted as are marked or noted streets, etc. on such plat or map as donated, or granted to the public, and the premises intended for any street, alleyway, common, or other public use, as shown in said plat or map, shall be held in trust for the uses and purposes intended or set forth in said plat or map.

SEC. 4. Be it further enacted, Any such plat or map may be vacated by the owner or owners of the premises

How such plat or map may be vacated.

at any time before the sale of any lot therein by a written instrument declaring the same to be vacated, executed and acknowledged, and recorded in like manner as deeds of lands, which declaration being duly recorded, shall operate to destroy the force and effect of the recording of the plat or map so vacated, and to divest all public rights in the streets, alleys, and public grounds and all declarations laid out or described in such plat or map. When lots have been sold, the plat or map may be vacated, in the manner herein provided, by all the owners of lots in such plat or map, joining in the execution of such writing.

SEC. 5. Be it further enacted, Any part of the plat or

Or any part of same.

map may be vacated in the manner provided in the preceding section, subject to the conditions therein prescribed. Provided, That such vacation shall not abridge or destroy any of the rights and privileges of other proprietors in such plat or map of land. And provided further, That nothing contained in this section shall authorize the closing or obstructing of any public highway laid out according to law.

SEC. 6. Be it further enacted, That in cases where

Can apply to maps or plats heretofore made.

lands have been divided into lots before the passage of this act, and the map or plat lost, or mislaid, and a part or all of the lots indicated therein have been sold, the owner or owners thereof may cause a new survey to be made and a plat or map made therefrom, or reproduce the one lost, from survey already made, as required by the first section of this act, certified, acknowledged and recorded as by said section is required, and which shall have the same effect in all respects as

plats or maps recorded under the first section of this act, and which may be vacated in the same manner and under the same conditions as plats or maps under sections four and five of this act.

"Vacated" to be written across record.

SEC. 7. Be it further enacted, That whenever any plat or map or part thereof is vacated, the Judge of Probate, in whose office the plat or map is recorded, shall, upon recording such vacation, write in plain letters across the record of the plat or map, or part so vacated, the word "vacated," and shall also refer on the same to the volume and page in which the instrument of vacation is recorded.

Penalty.

SEC. 8. Be it further enacted, That whoever shall sell or offer for sale any lot or block, or any subdivision of any lot or block in any town governed by the provisions of this act before the requisitions of this act have been compiled with, shall be guilty of a misdemeanor, and shall be fined upon conviction thereof, not less than ten dollars for each block or lot or part thereof so disposed of or offered for sale.

Fees.

SEC. 9. Be it further enacted, That the fees of the Judge of Probate for recording said maps and plats shall be fifteen cents for each one hundred words, and five cents for each lot contained in said maps or plats.

SEC. 10. Be it further enacted, That the Judge of Probate shall receive the same fees for making transcripts of said maps and plats as they receive for recording the same.

Approved February 26, 1889.

No. 56.] AN ACT [H. B. 879

To provide for the payment of costs on convictions of felony where the defendant is sentenced to imprisonment in the penitentiary.

On conviction of felony clerk must make out bill of costs.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever a defendant is convicted of a felony and is sentenced to imprisonment in the penitentiary, the clerk of the court in which the conviction is had shall make out a full and complete bill of the costs in said case, which bill of costs shall contain the

following items and no others : Clark's fees, for issuing subpoenas for State witnesses, issuing capias, clerk's fees for docketing, for continuances, taking undertaking on recognizance and entering same, trial, entering judgment, final judgment, record for supreme court, certifying same, final record, recording indictment. Sheriff's fees—executing warrant or writ of arrest, bond or undertaking, serving subpoenas for State witnesses, committing prisoner, summoning jury. Solicitor's fees on conviction, fees of State's witnesses, and costs of committing magistrate on preliminary trial not to exceed five dollars.

Clerk shall make oath to correctness of cost bill.

SEC. 2. Be it further enacted, That the clerk shall make oath to the correctness of said bill before some officer authorized by law to administer oaths, and that each item of said bill is true and correct, and is a just charge against the defendant. He shall forward said bill of costs to the State Auditor, who shall carefully examine the same, and if found correct shall draw his warrant on the treasurer for the amount of said bill, provided always, that in no case shall the amount paid in any one case exceed the sum of one hundred and fifty dollars.

Auditor to draw warrant.

Hirers of convicts not to pay clerk.

SEC. 3. Be it further enacted, That no contractor or person hiring State convicts shall pay any costs to any clerk.

Fees.

SEC. 4. Be it further enacted, That the same fees shall be allowed for each item of costs specified herein as are now allowed by law.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 25, 1889.

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No. 57.] AN ACT [s. 384

To amend section 1759 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1759 of the Code be amended so as to read as follows :

Holidays.

1759 (2097). Holidays; paper due on holiday.—Sun-

day, Christmas Day, the first day of January, the 22d day of February, the 26th day of April, the 4th day of July, the day designated by the Governor for public thanksgiving, Good Friday and Mardi Gras, shall each be deemed a holiday. If Christmas Day or the 1st day of January, or the 22d day of February, or the 26th day of April, or the 4th day of July falls on Sunday, the Monday following is the holiday. If any paper entitled to days of grace, by the allowance thereof, or subject to protest, becomes due on a holiday, it must be taken as due on the next succeeding business day. When paper due.

Approved February 26, 1889.

No. 58.] AN ACT [s. 329

To amend section 2772 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 2772 of the Code be amended so as to read as follows :

2772 (3038) When proof of corporation or partnership not required.—When suit is brought by a corporation or by partners, the plaintiff must not be required to prove the existence of the corporation or the firm, or the individuals composing it, unless the same is denied by plea verified by affidavit filed within the time allowed for filing pleas in abatement. When proof of existence of corporation, etc., required.

Approved February 26, 1889.

No. 59.] AN ACT [s. 12

To provide for the interposition of claims in statutory detinue.

SECTION 1. Be it enacted by the General Assembly of Alabama, That when a suit is brought for the recovery of personal property in specie, under the provisions of section 2717 of the Code of Alabama, and the defendant shall neglect for five days to give bond as required therein, if the property seized is claimed by a Claims in statutory detinue; regulation of.

person not a party to the suit, and affidavit and bond be executed as required by law in cases of trial of right of property when levied on by writ of fieri facias, the property must be delivered to the claimant, and the affidavit and bond be returned by the officer having in charge the property claimed with the summons, upon which the same proceeding must be had as in other trials of the right of property.

Approved February 26, 1889.

No. 60.] AN ACT [s. 17

To amend section 835 of the Code.

SECTION 1. Be it enacted, by the General Assemby of Alabama, That section 835 of the Code be and the same is hereby amended so as to read as follows:

835 (754). Two justices for each precinct; term of office. Within the limits of every election precinct are two justices of the peace, elected as hereinbefore prescribed, who hold office for four years, and until their successors are qualified.

Justices of the peace; term of office.

Approved February 26, 1889.

No. 61.] AN ACT [H. B. 609

To amend section 1305 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1305 of the Code be and is hereby amended so as to read as follows: Certificates may in certain cases be issued without examination.—All physicians, druggists, or dealers in drugs and medicines, having license as hereinbefore provided, and all physicians actually engaged in the practice before the organization in the county of a board of medical examiners, are on application to an authorized board of medical examiners, entitled to certificates of qualification, without examination, and the physician is also

Physicians and druggists; license, of, etc.

entitled to have his name inscribed on the register of licensed practitioners of medicine.

Approved February 27, 1889.

No. 62.] AN ACT [H. B. 200

To amend sections one, two and eleven of an act entitled an act to regulate the practice of pharmacy and the sale of poisons in towns and cities of more than one thousand inhabitants in the State of Ala bama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act, entitled an act to regulate the practice of pharmacy and the sale of poisons in cities and towns of more than one thousand inhabitants in the State of Alabama, be amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person, not a registered pharmacist, within the meaning of this act, to conduct any pharmacy, drug store, apothecary shop, or store located in any village, town or city in the State of Alabama, of more than nine hundred inhabitants, or within two miles of any incorporated city or town of more than nine hundred inhabitants, for the purpose of retailing, compounding or dispensing medicines or poisons for medical use except as hereinafter provided.

Pharmacy.

Unlawful unless registered,

SEC. 2. Be it further enacted, That section two of an act entitled an act to regulate the practice of pharmacy and the sale of poisons in cities and towns of more than one thousand inhabitants in the State of Alabama, be amended so as to read as follows: Section 2. Be it further enacted, that it shall be unlawful for the proprietor of any store or pharmacy in any village, town or city in the State of Alabama, of more than nine hundred inhabitants, or within two miles of any incorporated city or town of more than nine hundred inhabitants, to allow any person except a registered pharmacist to compound or dispense the prescriptions of physicians, or to retail or dispense poisons and medi-

cines for medical use, except as an aid to, and under the supervision of a registered pharmacist. Any per-
Penalty. son violating the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction shall be liable to a fine of not less than twenty-five dollars nor more than one hundred dollars for each and every offense.

SEC. 3. Be it further enacted. That section 11 of an act entitled an act to regulate the practice of pharmacy and the sale of poisons in cities and towns of more than one thousand inhabitants in the State of Alabama, be amended so as to read as follows : Section 11. Be it further enacted, That this act shall not
Exceptions. apply to physicians putting up their own prescriptions.
Approved February 25, 1889.

No. 63.] AN ACT [H. B. 788

To amend an act entitled an act, to provide for the registration and lien of judgments and decrees for the payment of money.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the plaintiff or owner of any judgment
Judgments or decree rendered by any court of record for the pay-
and decrees ment of money, may file in the office of the judge of
for payment of probate of any county in this State, a certificate of
money the clerk or register of the court, by which said judgment or decree was rendered, showing the court which rendered the same, the amount and date thereof, the amount of costs, the names of the parties and the names of the plaintiff's attorney, which certificate shall be registered by the judge of probate of such county, in a book to be kept by him for that purpose, which register shall also show the date of filing and the name of the owner of such judgment or decree, and every
Lien on prop- judgment or decree so filed and registered shall
erty of defend- be a lien upon all the property of the defendant in such
ant for ten county which is subject to levy and sale under execu-
years. tion ; and such lien shall continue for ten (10) years from the date of such registration. The registration of such judgment or decree shall be notice to all persons of the existence of such liens.

SEC. 2. Be it further enacted, That the probate judge p]e shall be entitled to receive a fee of fifty cents for each judgment so registered. Fee of judge of probate.

SEC. 3. Be it further enacted, That the laws relating to the entry of credits and satisfaction of mortgages shall apply to the entry of credits and satisfaction of the liens created by this act. Sections 1868 and 1869 of Code apply to this act.

SEC. 4. Be it further enacted, That for the certificates Fe provided for in the first section of this act, the clerk or Te! register furnishing the same shall be entitled to receive a fee of fifty cents for each certificate. Fee of clerk of register.

Approved February 26, 1889.

No. 64.] AN ACT [H. B. 1020

To fix the rate of taxation in this State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That on all property liable to taxation in this State, which shall be asssessed during the calendar iii year, 1889, or for said year, taxes shall be collected thereon at the rate of four and one-half tenths of one per centum on the value thereof, and at the rate of four-tenths of one per centum on the value thereof assessed during and for subsequent years and collected therefor. Rate of taxation.

SEC. 2. Be it further enacted. That a bill to be entitled "an act to fix the rate of taxation in this State," having already passed both houses of this General Assembly, and as it was expressly intended that said bill should have the same force and effect of this act, but said bill by reason of its phraseology may have the effect to defeat its said express intention, and this act is enacted for the purpose of fixing the rate of taxation as intended by the General Assembly in said bill, which has not been as yet approved by the Governor. The purpose of this act.

Approved February 26, 1889.

No. 65.] AN ACT [H. B. 410

To amend an act to authorize and empower street rail roads to purchase and condemn property for the purpose of constructing, maintaining and operating street railroads in the same manner as now provided by law for taking private property for railroads and other public uses, approved December 10th, 1886, and to allow said street railroad companies to use steam or electric force or mechanical power or animals as they may deem expedient.

Street rail roads; how to acquire right-of-way.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to authorize and empower street railroads to purchase and condemn property for the purpose of constructing, maintaining and operating street railroads in the same manner as now provided by law for taking private property for railroads and other public uses, approved December 10th, 1886, be and the same is hereby amended so as to read as follows, to-wit: That all street railroad companies heretofore or hereafter organized and incorporated under the laws of Alabama, shall have the right to use steam or electric force or mechanical power or animals, and may acquire by gift, purchase or condemnation real estate in this State for the right of way for street railroads a strip, tract or parcel of land not exceeding thirty feet in width for the right of way of said street railroads, and said street railroad companies shall have the right to condemn and take possession of said land on payment to the owner thereof a just compensation in the same manner as now provided by law for condemnation of lands for public uses in article 2, chapter 15, title 3, part 3 of the Code. Provided, Nothing in this act shall be construed as pre venting incorporated cities and towns from regulating the construction of street railways within their corporate limits, and the kind of motive power to be used by such railways.

Approved February 26, 1889.

No. 66] AN ACT [H. B. 242

To define a lawful wire fence in the State of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, any fence made of three wires fastened to trees or posts, which trees or posts shall not be over ten feet apart, shall be a lawful fence, so far as mules, horses and cattle are concerned. Provided, the wires are not over fifteen inches apart, and the top wire shall be at least four feet from the ground. Wire fence; kind required to constitute lawful fence.

SEC. 2. Be it further enacted, That any fence made of seven wires fastened to trees or posts not over eight feet apart, shall be a lawful fence against all stock whatsoever. Provided, first four wires are of four inch barb, and not over four inches apart, commencing with first wire four inches from the ground, fifth wire not over six inches from the fourth, sixth not over eight inches from the fifth, seventh and sixth fifteen inches apart. Provided further, that the provisions of this act shall not apply to the counties of Clay, Bibb, Chambers, Talladega, Lamar, Franklin, Jefferson, Sumter, Dallas, Colbert, Wilcox, Tallapoosa, Lee, Choctaw, Chilton, Etowah, St. Clair, Mobile, Coosa and Walker. Counties excepted.

Approved February 27, 1889.

No. 67.] AN ACT [H. B. 986

To provide for an additional watchman at the Capitol.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Governor be and is hereby authorized to employ an additional watchman at the capitol, at and for seventy-five dollars per month, whose duties shall be the same and shall be performed under the regulations as those of the watchmen already provided for by law. Watchman at Capitol.

SEC. 2. Be it further enacted, That the compensation of said additional watchman shall be paid out of any money in the treasury, not otherwise appropriated, on Appropriation.

the warrant of the Auditor when approved by the Governor.

Approved February 27, 1889.

No. 68.] AN ACT [s. 191

To regulate and fix the time of holding court in the Third and Fifth Judicial Circuits in the State of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the courts in the several counties composing the Third and Fifth Judicial Circuits of this State, shall not be opened before the hour of 10 o'clock a. m. of the first Monday of each turn ; Provided, however, That no peremptory call of the docket shall be had before one o'clock p. m. of the same day.

Time of opening court third and fifth districts.

SEC. 2. Be it further enacted, That all laws in conflict with this act be and the same are hereby repealed.

Approved February 27, 1889.

No. 69.] AN ACT [H. B. 119

To make appropriations for the payment of the railroad commissioners and their clerks, and for other expenses of the railroad commission.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of twelve thousand five hundred dollars, or so much thereof as may be necessary for the fiscal years ending September 30, 1889, and September 30,1890, respectively, for each year, be and the same is hereby appropriated for the payment of the salaries of the railroad commissioners and their clerks, and all other expenses of the railroad commisnon.

Appropriation for Railroad Commission.

SEC. 2. Be it further enacted, That the appropriation hereinbefore made for the fiscal year ending September 30, 1890, be and the same is hereby renewed and

In force until March, 1891.

extended and continued in force until the 1st day of March, 1891.

Approved February 27, 1889.

No. 70.] AN ACT [H. B. 859

To amend Section 1085 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the word "semi-annually" in section ten hundred and eighty-five of the Code of Alabama, shall be omitted, and instead thereof there is hereby inserted the word "quarterly," so that the section shall read as follows: Section 1085. Interest paid by State Treasurer; when bond required of officers or agents.—The State treasurer must pay the interest on the fund of two hundred and fifty-three thousand and five hundred dollars arising from the sale of land-scrip, quarterly, as the same may accrue, to the treasurer or other authorized officer or agent of the college, and on the application of such treasurer, officer, or agent, the auditor shall draw his warrant on the State treasurer for such interest, but in no case shall any person be authorized to receive, hold or disburse any fund of the college, without having first given bond conditioned for the faithful performance of his duties.

Interest on land scrip fund of A. & M. College payable quarterly.

Approved February 26, 1889.

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No. 71.] AN ACT [H. B. 359

To require Justices of the Peace to furnish itemized bills of costs to suitors.

SECTION 1. Be it enacted by the General Assembly of Alabama, That justices of the peace, and notaries public acting as justice of the peace, shall on all process issued for the collection of costs, or on all bills rendered for the payment of costs, or receipts given there for to any person, furnish an itemized statement of the services rendered and properly chargeable, whether

Justices and notaries; duties as to costs.

the items be demanded by such person or not. Such justices of the peace shall also spread upon their record a copy of all bills of costs delivered by or upon which process shall have been issued by him. Any justice of the peace or notary exercising the authority

Penalty. or jurisdiction of a justice of the peace, who shall fail to comply with the provisions of this act, shall be guilty of misdemeanor, and on conviction thereof shall be fined not exceeding one hundred dollars.

SEC. 2 Be it further enacted, That any justice of the

Penalty. peace or notary public acting as such, who shall knowingly charge or demand any fee or sum for services not rendered, or shall charge for services rendered more than the fees allowed by law, shall by guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding one hundred dollars.

Approved February 26, 1889.

No. 72] AN ACT [H. B. 819

To provide for the employment of a temporary clerk in the office of the Board of Inspectors of convicts.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever it is made to appear to the

Assistance in office of Inspectors of convicts. Governor that additional assistance is needed in the office of the Inspectors of convicts, he shall authorize the president of the Board of Inspectors to employ such additional assistance as long as the same may be necessary.

SEC. 2. Be it further enacted, That the temporary

How to be paid. clerk authorized by the provisions of this act shall receive out of the same fund out of which the regular clerk is paid, compensation not to exceed the sum of seventy-five dollars per month for the time he is employed.

Approved February 26, 1889.

No. 73.] AN ACT [s. 162

To protect human life.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act pr it shall be unlawful for any person to present at another person any gun, pistol or other fire arm, whether loaded or unloaded.

Unlawful to present fire arm at any person.

SEC. 2. Be it further enacted. That any person who shall violate section 1 of this act shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than ten or more than one hundred dollars.

Fine.

Approved February 28, 1889.

No. 74.] AN ACT [s. 106

To amend section thirteen hundred and ninety-six (1396) of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section thirteen hundred and ninety-six. (1396) of the Code of Alabama, be, and the same is hereby amended so as to read as follows: Section 1396 (1630.) Persons exempt.—All females, and all male persons under the age of eighteen years and over forty-five years of age, all persons who have lost an arm or a leg, or both ; and all persons who by nature or disease are rendered incapable of hard labor, who shall procure a certificate of such incapacity from the county board of health, are exempt from working on public roads. Provided, That in counties which have no county board of health, then the certificate of such incapacity from two reputable practicing physicians shall be sufficient to entitle the party holding such certificate to exemption.

Persons exempt from working roads.

Approved February 28, 1889.

No. 73.] AN ACT [s. 32

To require justices of the peace and other committing magistrates to report all cases of persons held by them on preliminary trial, to the grand jury, on the second day of each term of the circuit and city courts.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever any person is held by any justice of the peace, or other magistrate, on his preliminary trial for any public offense, to answer an indictment by a grand jury, for such an offense, it shall be the duty of such justice of the peace or magistrate, to return to the solicitor or the foreman of the grand jury at the term of the circuit or city court of the county next succeeding such preliminary trial, the affidavit and warrant of arrest in such case, with a transcript of his docket, and a list of the State's witnesses therein, on the second day of the term of such circuit or city court, and failing herein, such justice of the peace or committing magistrate shall be guilty of a misdemeanor.

Duties of justices of peace. etc., to report to grand jury.

SEC. 2. Be further it enacted. That whenever any justice of the peace or other committing magistrate, has had no preliminary trial since the last term of the circuit or city court, or has not held any person to answer an indictment by the grand jury, such justice or committing magistrate shall, on the second day of the term of the circuit or city court, report that fact in writing to the grand jury.

Approved February 28, 1889.

No. 76.] AN ACT [s. 31

To further define and punish the crime of embezzlement.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any bailee who embezzles, or fraudulently converts to his own use, or fraudulently secretes with the intent to convert to his own use, any money,

Punishment of baiiee for fraudulent conversion.

property or effects which have come into his possession by virtue of any bailment for any purpose, whether for the benefit of the bailor, or the said bailee, must be punished, upon conviction, as if he had stolen such money, property or effects.

Approved February 28,1889.

No. 77.] AN ACT [s. 305

To permit small balances due employees, for wages or services, to be disposed of for the benefit of their widows and orphans without administration.

Family of deceased employee may receive amount due deceased, if less than $100 00.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever any employee of any person or corporation, to whom there is due an account of wages or services less than one hundred dollars, departs this life intestate, leaving a widow or minor child or children, or both, such person or corporation may discharge itself from liability for such balance, by paying the same over to the widow or other person who has the actual control and custody of such minor child or children.

Exempt from administration.

SEC. 2. Be it further enacted, That whenever any such balance is paid over as provided for in the preceding section of this act, the same be and is hereby exempted from administration.

Approved February 28, 1889.

No. 78.] AN ACT [s. 271

To amend Section 981 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 981 of the Code be so amended as to read as follows :

Section 981. Report of income for rent or lease of school lands.—When any portion of the 16th section or other school lands in any township has been rented or leased, it shall be the duty of the township superin-

tendent, or trustee, to at once report to the county superintendent in writing a description of the lands, to whom rented or leased, the time when due and how the payment is secured. It shall be the duty of the county superintendent so soon as the report is received by him to file the same in his office, and to report to the State Superintendent all the facts contained in the report of the township superintendent, or trustee. That it shall be the duty of the township superintendent, or trustee, when money is paid to them on such rentings or leases, to at once report the amount, and on which account paid, to the county superintendent, whose duty it shall be to report the same to the State Superintendent, being careful to give the number of the township and range, and for what year the rental or lease money was paid, in making the apportionment of school funds for the year following the receipt of the report.

Duties of public school officers in regard to income for lands.

Approved February 28, 1889.

No. 79.] AN ACT [s. 430

To amend section 4611 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 4611 of the Code be amended so as to read as follows:

Section 4611. Removal of convicts not assigned to hard labor.—When a person is convicted and sentenced to the penitentiary, who by reason of sex or physical condition is unfit to be assigned to any contractor or to perform hard labor, or whose service may be needed for the State at the penitentiary, the board of inspectors may remove such person from the jail to the penitentiary and keep him there until such disability is removed, or until such person's services cease to be needed for the State.

Inspectors' duties as to new penitentiary convicts.

Approved February 28,1889.

No. 80.] AN ACT [s. 448

To prevent trespass upon and damage to the property of the University of Alabama, and the Alabama Insane Hospital.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the President of the University of Alabama and the Superintendent of the Insane Hospital are each hereby authorized to appoint or employ one or more suitable persons as police officers to keep intruders off, and to prevent damage to the property of said institutions. Police officers at University of Ala. Insane Hospital.

SEC. 2. Be it further enacted, That such persons shall be charged with all the duties and responsibilities of police officers. They shall have power to eject trespassers from the respective grounds, and without warrant to arrest persons guilty of disorderly conduct, or of trespass, upon the property, and carry them before the nearest justice of the peace, before whom an affidavit shall be made charging the offense, and thereupon such justice shall proceed to hear and determine such charge, as in case of persons brought before him on a warrant. Powers and duties.

SEC. 3. Be it further enacted, That when necessary such police officer or officers shall have authority to summons a posse comitatus.

Approved February 28, 1889.

No. 81.] AN ACT [s. 493

To authorize the Governor to negotiate temporary loans not exceeding one hundred thousand dollars.

SECTION 1. Be it enacted by the General Assembly of Alabama, That should any deficiency occur in the State treasury at any time, the Governor of the State is hereby authorized to negotiate temporary loans, not to exceed one hundred thousand dollars, or so much thereof as may be necessary to supply such deficiency. Governor can negotiate loans.

Approved February 28, 1889.

No. 82.] AN ACT [s. 357

To amend the quarantine laws of the State.

State health officer's duties in cases of quarantine.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the State health officer under the direction and control, and under the rules and regulations of the State board of health, shall have the power, and it shall be his duty, by and with the consent and concurrence of the municipal authorities and the county health officer, to modify the restrictions of all quarantines established by county and municipal authorities in this State; to make them more stringent, whenever in his judgment they are not sufficient for the protection of the people; and to lessen their stringency whenever in his judgment they interfere with travel and traffic to an extent beyond what is necessary for the said protection.

Approved February 28, 1889.

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No. 83.] AN ACT [s. 163

To amend section 3625 of the Code.

Conditions of supersedeas bond.

SECTION 1. Be It enacted by the General Assembly of Alabama, That section 3625 of the Code be amended so as to read as follows : Section 3625 (3928). Supersedeas bond in other cases.—If the decree or judgment be only for the performance of some act or duty, or for the recovery of property, real or personal, or the possession thereof, or for the sale of property, real or personal, unless otherwise provided, the party appealing, if he wishes to supercede the execution of the judgment or decree, must execute bond with good and sufficient sureties payable to the clerk or register in such sum as the judge, chancellor or register may in writing prescribe, with condition that if he fail in the appeal he will pay such judgment as the Supreme Court may render in the premises, and all such coats and damages as any party aggrieved may sustain by

reason of a wrongful appeal and suspension of the execution of the judgment or decree.

Approved February 28, 1889.

No. 84.] AN ACT [s. 488

To amend section 791 of the Code of Alabama of 1886.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section seven hundred and ninety-one of the Code of 1886 be amended so as to read as follows, to-wit: 791 (698.) The records of the officer must be free for the examination of all persons when not in use by the judge, whether such persons are interested in said records or not.

All persons can examine records in judge of probate's office.

Approved February 27, 1889.

No. 85.] AN ACT [H. B. 27

To amend sub-divisions 17 and 18 of section 96, and sub-division 8 of section 120 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sub-division 17 of section 96 of the Code be amended so as to read as follows: 17. To report annually in writing to the governor, to be laid before the general assembly, his views as to the proper subjects of taxation, with such plans and estimates as in his opinion are expedient for using the public money to the best advantage, for diminishing the public expenses and sustaining the credit of the State. Detailed estimates of expenditures to be defrayed from the treasury for the ensuing year must accompany the report, and also tables showing in detail the names of all persons in whose favor warrants have been drawn for the preceding fiscal year, when drawn, under what law in case of special appropriations, and for what amount, the amount of total assessments made in each county for the same year, showing in separate columns the

State Auditor to report annually to Governor ; contents of report.

amount of total assessments on each item of taxation, the amount in each county for retail and other licenses, the amount of insolvencies of commissions, the net amount of revenue paid into the treasury for such years, the condition of the school fund, the two and three per cent funds, and all other funds, the accounts of which are by law required to be kept in his office

SEC. 2. Be it further enacted. That sub-division 18, of section 96 of the Code be amended so as to read as follows: 18. He shall embrace in his report a detailed statement of all payments made from the contingent fund during the fiscal year, setting forth the date and nature of the claims, and name of the person in whose favor each warrant was drawn, and the same must be printed in connection with his report upon the finances.

As to contingent fund.

SEC. 3. Be it further enacted, That sub-division 8 of section 120, of the Code be amended so as to read as follows : 8. To report annually in writing to the governor, to be laid before the general assembly, the amount paid into the treasury for the preceding fiscal year, showing the amount paid in by each county, and distinguishing such counties as have made partial payments from those which have paid in full; also statements of all sums of money he has paid out on account of the State for such year, specifying the amount, to whom paid, and for what, with an exact statement of the balance in the treasury.

State Treasurer to make annual reports to Governor.

Approved February 28, 1889.

No. 86.] AN ACT [s. 453

An act to authorize corporations to amend defects in their organization.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever any private corporation heretofore or hereafter created under the laws of Alabama have accidentally, or inadvertently failed to comply with the requisition of the statute in its organization, it shall be lawful for the president of such organization to supply such omission by filing with the probate

Corporations may remedy defects in failing to comply with statute in organization.

judge who issued the certificate of incorporation, a statement, under oath, setting forth such omission and supplying the same, which shall be filed with the other papers of such incorporation and recorded. And such filing shall relate back to the date of such incorporation, except as to the rights of third parties, which might have intervened.

Approved February 28, 1889.

No. 87.] AN ACT [s. 353

To amend section 1588 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1588 of the Code of Alabama be and the same is hereby amended so as to read as follows:

Sec. 1588. Such purchase must be made by resolution of the board of directors, which must be submitted to a meeting of the stockholders called for the purpose of its consideration, of the time and place of which meeting, and of the purpose for which it is called, thirty days' notice must be given to each stockholder whose residence is known, and by publication for four consecutive weeks in a newspaper published at the principal place of business of the by corporation, and at such meeting must be approved the vote or majority in value of the stockholders, and if such resolution is so approved a copy thereof and of the proceedings of the meeting of the stockholders, certified by the president and secretary under the corporate seal, must be filed and recorded in the office of the Secretary of State. Such extension or construction of such branch road roust be made by resolution of the board of directors, to be entered in the records of the proceedings of the corporation, and designating the point from which, and the point to which such extension, or such branch road is to be constructed. A copy of such resolution, certified by the president and secretary, under the corporate seal, must be filed and recorded in the office of the Secretary of State, and thereafter for the purpose of making such extension or

Railroad corporations; the mode of making purchase or extension, or constructi'g branch roads.

building such branch road, such corporation shall have all the rights, powers and immunities which are now, or may hereafter, by the laws of this State, be granted to and vested in railroad corporations, under and by virtue of the general incorporation laws of the State. Approved February 28, 1889.

No. 88.] AN ACT [s. 133

To authorize private business corporations incorporated under the laws of this State, lo hold stockholders and directors' meetings, and do corporate acts in other States in the Union.

SECTION 1. Be it enacted by the General Assembly of Alabama, That private business corporations which have been or may be hereafter organized under the laws of this State, or by any special act of the general assembly, may, by so providing in the declaration of incorporation, or afterwards by vote of the directors or stockholders, hold stockholders' meetings and directors' meetings, and do all kinds of corporate acts in other States of the Union, whenever such directors or stockholders may deem it to their interest to do so. Provided, That all of the stockholders who are residents of the State of Alabama, consent thereto in writing. Provided, however. That every such association or corporation must keep an office, agent and place of business within this State, and within thirty days after any meeting of stockholders or directors, deposit with such agent a certified copy of the proceedings at any such meeting, and such certified copy shall be received in evidence in all courts in this State in lieu of the original, and shall at all times be subject to inspection by any person lawfully entitled to demand inspection thereof.

Private business corporations; meetings of stockholders may be held out of the State.

Proceedings must be deposited at office in this State.

SEC. 2. Be it further enacted, That nothing in this act contained shall be construed to entitle any such corporation to any right or privilege of non-resident or foreign corporations, except to the extent of holding stockholders and directors' meetings outside this State, and doing corporate acts in other States of the

Limitations.

Union. Any association or corporation failing to deposit and keep with an agent in this State a certified copy of the proceedings of stockholders and directors' meetings, as required in section one of this act, may in proper proceedings, be dissolved by proceedings in quo-warranto, or in the nature thereof.

SEC. 3. Be it further enacted, That before any corporation shall be entitled to avail itself of the benefit of this act, it shall a file a statement under its corporate seal with the Secretary of State and the judge of probate in the county where its agent and principal place of business is kept, showing the name and style of such agent, and the place where certified copies of its records are kept, and service of process on such agent shall be deemed and taken in all courts as service of process on such corporations. Duties before benefits of this act can be had.

Approved February 27, 1889.

No. 89] AN ACT [s. 43

To amend sections 3, 6, 13 and 17 of an act entitled an act to more effectually secure competent and well qualified jurors in the several counties of this State.

Approved February 28, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3 of said act be amended so as to read as follows :

That said commissioners at such meetings, shall select from the male residents of the county over twenty-one and under sixty years of age, the name of such persons, not exempt from jury duty, as in their opinion are fit and competent to discharge the duties of grand and petit jurors with honesty, impartiality and intelligence ; said commissioners shall prepare a list of names so selected, stating thereon the place of residence and occupation of each person, if known to them, and shall file a certified copy of such list in a sealed envelope in the office of the judge of probate within five days after making said selection. It shall be the duty of the judge of probate to keep such list securely and not to allow the seal of the envelope to be broken. How grand and petit jurors are to be selected. Judge of probate to keep list.

or such list to be inspected by any one save said commissioners, unless under an order of the judge of the circuit or city court of his county.

SEC. 2. Be it further enacted, That section 13 of said act be amended so as to read as follows :

That upon the trial of any capital case the defendant shall be entitled to twenty-one peremptory challenges, and the State to fourteen and upon the trial of any felony, not capital, the defendant shall be entitled to eight peremptory challenges and the State to four ; and upon the trial of any misdemeanor, the defendant shall be entitled to five peremptory challenges, and the State to three. When two or more defendants are on trial jointly for a capital offense or other felony, each defendant shall be entitled to one-half of the peremptory challenges allowed by this act ; and on the trial of two or more defendants for any misdemeanor, each defendant shall be entitled to three peremptory challenges. In civil cases it shall be a ground of peremptory challenge that a juror is plaintiff or defendant in any case which stands for trial during the week of the term of which he is challenged. It shall also be a ground of challenge in any cause that a juror is related to any party or attorney who was his attorney of his record in the cause to be tried, before the case was called for trial by consanguinity within the ninth degree, or affinity in the fifth degree, or is a partner in business of such party ; Provided, That nothing contained herein shall repeal any common law right of challenges.

Number of peremptory challenges allowed.

Grounds of peremptory challenge.

SEC. 3. Be it further enacted, That section 17 of said act be amended so as to read as follows : That section 4299 of the Code of Alabama, and all other laws and parts of laws, general and special, conflicting with the provisions of this act, be an the same are hereby repealed, but all laws now in force in relation to jurors, their drawing, selection or qualification, not in conflict with this act, are hereby continued in full force and effect. But the provisions of this act shall not apply to the counties of Henry, Mobile, Dallas, Talladega, Cherokee, Etowah, St. Clair, Coffee, Dale, Geneva, Marshall and Montgomery.

Repeal of conflicting laws.

Counties excepted.

SEC. 4. Be it further enacted, That section 6 of said act be amended so as to read as follows : That the commissioners shall deposit in the box from which the

names are drawn, copies of all lists furnished to the clerk of any court, as provided in the preceding section, and deposit said box securely locked and sealed in the office of the judge of probate. The president of said board shall deposit the key to said box with the county treasurer, who shall keep the same, but the judge of the circuit court, criminal court or city court, shall have access to said box in order to compare the venire issued by the clerk with the copy of the list furnished to the clerk. If a special or adjourned term of any court in which a jury is required, is called, the clerk of such court shall forthwith notify the commissioners, who shall meet and draw the grand and petit juries, one or both, required for such term, and shall furnish a list of the same to the clerk of the court at least twenty days before the term, in the same manner as for regular term; and the clerk shall issue to the sheriff the order for summoning such grand and petit jurors as for a regular term ; and the sheriff shall be subject to the same penalties for failing to summons jurors to a special term as for failing to summon them to a regular term.

Duties of commissioners and other county officers.

Penalty for sheriff failing to summon jurors to special term.

Approved February 28, 1889.

No. 90.] AN ACT [H. B. 744

Authorizing and permitting the board of trustees of the Alabama Insane Hospital to grant the right to open rock quarries on the lands belonging to the Hospital, for the purpose of building locks and dams in the Warrior river by the United State government and quit the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the board of trustees of the Alabama Insane Hospital, be and they are hereby empowered, authorized, and permitted to grant to the United State government, the privilege to open rock quarries along the banks of the Warrior river on the lands of the said hospital under such regulations and requirements as they may think proper, so as to guard against injury to the remaining lands of said hospital

Lands of Insane Hospital can be quitclaimed to U. S. for certain purposes.

free of charge or rent of any kind; Provided, That the said board of trustees may quit claim to the United States so much of said land as may be needed for the foundation of the walls of locks and dams and lock tender houses, along the banks of the Warrior river in the county of Tuscaloosa, Alabama, under such regulations and requirements as they may see proper.

Approved February 28, 1889.

No. 91.] AN ACT [s. 302

To determine and fix the amount of poll tax available each scholastic year for school purposes.

Amount of poll tax available for school purposes in each township.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the amount of poll tax paid into the State treasury to the credit of the school fund for each race, in each township, or other school district during the year ending September 30, 1888, is hereby fixed as the amount of poll tax available as a school fund that may be contracted and paid out for the benefit of public schools in such townships, or other school districts during the present year ending September 30th, 1889, and that hereafter the amount of poll tax paid into the State treasury to the credit of the school fund of either race in any township, or other school district during each scholastic year shall be the amount of poll tax that may be contracted and used for school purposes the following school year ; Provided, That no contract for the payment of any poll tax for services rendered during the first quarter of the school year shall be valid, and the Auditor shall not draw his warrant for any school fund derived from past taxes for the payment of teachers for services rendered during the final quarter of the school year.

Contracts for payment of poll tax for services for first quarter not valid.

Approved February 28, 1889.

No. 92.] AN ACT [H. B. 494

For the protection of the health of female employees engaged in commercial pursuits.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any one to employ any female clerk in any store in this State, without providing them with the proper accommodations for sitting down and resting, and permitting them to do so when not otherwise employed.

For protection of health of female employees.

SEC. 2. Be it further enacted, That any person, firm or corporation who shall violate the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars for each offense.

Penalty.

Approved February 28, 1889.

No. 93.] AN ACT [H. B. 451

To amend section 1428 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1428 of the Code of Alabama, be and the same is hereby amended so as to read as follows, to-wit : Section 1428. The overseers of public roads are authorized and empowered, and in precincts where there is no constable or sheriff, shall be required to serve all process that may be issued from the magistrate's court in the election precinct, against defaulters to work on such overseer's road, and such are allowed by law to constables for the same, but such overseer must only serve such process where there is no constable in the precinct in which such process is issued by the justice of the peace.

Overseers of public roads to serve process on road defaulters where there is no constable or sheriff.

Approved February 28, 1889.

No. 94] AN ACT [H.B. 423

To prohibit the taking up or bearing arms by any person, persons or body of men in a military capacity, unless authorized ; by law.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall not be lawful for any person, persons or body of men, whether uniformed or not together by or under any name whatsoever, in a military capacity for the purpose of drilling, parading or marching, at any time or place in State of Alabama or otherwise taking up or bearing arms in any such capacity, unless authorized by law and granted by the governor. Provided, That the provisions of this act shall not apply to any school or college where military tactics are taught, to the Order of Knights Templar, Order of Knights or Pythias, or Patriarchs Militant.

Military bodies prohibited unless authorized by law.

Exceptions,

SEC. 2. Be it further enacted, That any person violating the provisions of this act is guilty of misdemeanor, and upon conviction thereof shall be fined not more than one thousand dollars.

Penalty.

Approved February 28, 1889.

No. 95] AN ACT [H. B. 554

To make appropriations for the payment of sheriffs for the removal of prisoners for the fiscal year ending September 30, 1887, the appropriation for the purpose named having been exhausted.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of three hundred dollars, or as much thereof as may be necessary, be and the same is hereby appropriated for the payment of sheriffs for the removal of prisoners for the fiscal year ending September 30, 1887, to cover deficiencies in the appropriation for said year.

Appropriation for deficiency for removal of prisoners in 1887.

SEC. 2. Be it further enacted, That it shall be the duty of the auditor to examine carefully all accounts presented for payment for the removal of prisoners

Duty of Auditor.

which accrued during the fiscal year ending; September 30, 1887, and if he finds them, or any portion of them, to be correct, to audit and allow such as he may find to be correct out of the funds appropriated in section 1 of this act, and draw his warrant in payment of the same.

Approved February 28, 1887.

No. 96.] AN ACT [H. B. 243

For the relief of soldiers maimed or disabled during the late war, and the widows of Confederate soldiers whose husbands were killed or died in said war, and who have not since remarried.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any resident of this State, who, while in the military service of the State, or the Confederate States, lost an arm or a leg, or the use thereof, or who received such wound in said service, as renders him incapable physically of making a livelihood by labor, shall be entitled to the benefit of this act, as hereinafter provided, and such resident who desires to avail himself of the provisions of this act, must within six months after its passage, present a written application to the judge of probate of the county wherein he may reside, that he was a resident of the state at the time of the passage of this act, and is a resident at the time he makes such application, setting forth the company and the regiment or command to which at the time of such service he belonged, the time and place of receiving his wound, the character of such wound, and his present business or employment, which statement must be sworn to before such judge of probate, the original of which said application shall be kept by the judge of probate as an office paper, and a copy thereof transmitted without delay to the Auditor, with a certificate of the probate judge that he believes the statement therein made entitled to credit, if such probate judge believes such statement to be true ; Provided, That any widow who resides in this state, and whose husband was either killed, died of disease, or from any wounds during said war, or whose husband died with-

Disabled Confederate soldiers entitled to benefit of this act.

How application to be made.

in five years after the close of the war, either from wounds received, or disease contracted during the

Widows of Confederate soldiers to have equal benefits.

of war; And provided, said widow has not since remarried, shall be entitled to the equal benefits of this act upon making satisfactory proof to the probate judge of the county in which such surviving widow may reside; And provided further, That neither the soldier nor the surviving widow whose taxable property exceeds

Exceptions.

four hundred dollars shall be entitled to the benefits of this act.

SEC. 2. Be it further enacted, That upon the receipt of any copy and certificate as aforesaid, it shall be the duty of the Auditor to register immediately a synopsis of the same, with the name of the applicant, in a book to be kept for that purpose, mid at the expiration of seven months after the passage of this act, the amount

Auditor draws warrants and sends to probate judge.

hereinafter appropriated must be divided pro rata among the claimants, and the Auditor must draw separate warrants on the Treasurer, payable to the order of such applicant for a sum not exceeding in amount fifty dollars for each applicant, which sum it shall be the duty of the Auditor to transmit to the probate judge of the county in which the applicant resides; Provided, That should any surplus remain after carrying out the provisions of this act it shall be retained in the treasury.

SEC. 3. Be it further enacted, That any applicant under this act who shall swear falsely to any material

False swearing perjury.

ng matter set forth in his or her application shall be guilty of perjury.

SEC. 4. Be it further enacted, That to carry out the provisions of this act, there is hereby appropriated

Appropriation.

the sum of fifty thousand dollars ; but the provisions herein shall not apply to any soldier or the widow of any soldier, who own four hundred dollars worth of taxable property.

SEC. 5. Be it further enacted, That any probate

False certificate by probate judge a misdemeanor.

judge who shall knowingly make a false certificate under this act, shall be guilty of a misdemeanor, and on conviction, fined not less than one thousand dollars.

SEC. 6. Be it further enacted, That twelve hundred dollars of said appropriation shall be distributed

For the blind.

among Confederate soldiers, who lost their sight in the service of the Confederacy or this State, or who have since lost their sight from the effect of wounds

received or disease contracted in said service; Provided, said blind person has not taxable property of the unincumbered value of one thousand dollars or gross income or salary over the sum of one thousand dollars per year.

SEC. 7. Be it further enacted, That it is made the duty of the Auditor upon the approval of this act, to furnish each judge of probate in this state with such rulings and instructions relative thereto as will fairly and justly carry out the purposes and objects of the same; Provided, it shall be unlawful for any person who shall receive any money for the benefit of any claimant under this act to deduct any thing from the amount allowed said claimant as fees for services or otherwise.

Duty of Auditor.

No fees allowed.

SEC. 8. Be it further enacted, That no person shall be entitled to the benefits of this act who holds an office, the salary of which exceeds four hundred dollars per year, and no person shall receive any of the benefits of this act whose salary or gross income amounts to the sum of four hundred dollars per year.

Not entitled to benefits.

Approved February 28, 1889.

No. 97.] AN ACT [H. B. 648

To provide for the service of process in real actions when defendant secretes himself.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in all real actions where the defendant secretes himself so that process can not be served on him, it shall be the duty of the sheriff, upon proof thereof being made by affidavit filed with him, to advertise the summons and complaint once a week for three successive weeks in a newspaper published in the county in which the premises sued for lies, and if there is no newspaper published in such county, then in a newspaper published in an adjoining county, and to send a copy of the paper containing such insertion to the defendant at his last known place of residence, and such publication shall have the same force and effect as personal service.

How to serve process in real actions on defendant who secretes himself.

Approved February 28, 1889.

No. 98.] AN ACT [H. B. 182

To provide for the issue of preferred stock by corporations organized under the general laws of the State

SECTION 1. Be it enacted by the General Assembly of Alabama, That any corporation organized under the general incorporation laws of this State may issue preferred stock by the vote of persons holding two-thirds in value of the stock at a meeting of the stock holders called for that purpose, of which meeting and the purpose for which it is called, thirty days notice must be given each stockholder personally whose residence is known, and by publication for four consecutive weeks in some newspaper published in the town or city in a town or city, then in some newspaper published in the county in which the corporation is located, and if at such meeting the persons holding the larger amount in value of the stock vote for such issue, the proceedings of the meeting must be reduced to writing, signed by the president or chief executive officer of the corporation, and filed and recorded in the office of the judge of probate of the county in which the corporation is located.

Preferred stock in corporations; how issued.

SEC. 2. Be it further enacted, That each stockholder shall first be entitled to the privilege of taking such preferred stock in proportion to the amount of common stock held by him, or a less amount if he should desire it before such preferred stock is offered to the public.

Stockholders have preferance.

Approved February 28, 1889.

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No. 99.] AN ACT [s. 367

An act to amend section 2551 of the Code.

SECTION. 1. Be it enacted by the General Assembly of Alabama, That section 2551 of the Code of 1886 be and the same is hereby amended to read as follows :

§ 2551. Proceedings to set apart homestead when it exceeds value or area allowed.—When it appears from the report of the appraisers that the homestead exceeds.

in value two thousand dollars, or in area one hundred and sixty acres, the probate court shall forthwith appoint three commissioners who shall, as soon as practicable, not exceeding thirty days after their appointment, set off and allot by metes and bounds the homestead exempt, having regard to both the quality and value of the real estate and to the selection of the widow, or if there is no widow, or she fails to act, of the guardian of the minor child or children, if there is such guardian, and including the dwelling and appurtenances, and within ten days thereafter the commissioners shall return to the court in writing the home stead set off and allotted by them. If the homestead, after being reduced to its lowest practicable area still exceeds two thousand dollars in value, thereby render ing it impracticable to allot and set it off, the commissioners shall report that fact to the court, and this act shall apply to cases where parties have died prior to its enactment as well as to cases where parties die afterwards.

Homestead; proceedings to set apart when exceeds value or area allowed.

SEC. 2. Be it further enacted, That said section 2551 of the Code, as it now stands, be and the same is hereby repealed.

Approved February 28, 1889.

No. 100.] AN ACT [s. 149

An act to amend section 3574 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3574 of the Code of Alabama be amended so as to read as follows :

3574 (3732). On death of trustee, register appoints another; bond in such cases; exception.—Upon the death of the trustee of any express trust, the register of the district in which the trust property, or the most valuable portion of the same is, may, on the application of any party in interest, appoint a trustee, and may also require of him a bond as under the preceding section, except that in all cases where the husband dies, leaving the wife surviving, who is the owner of an equitable separate estate in real property, the legal title to such equitable separate estate shall descend to and

Proceedings on death of trustee.

Exceptions.

vest absolutely in the surviving wife, and no proceeding by appointment of another trustee under this chapter, or by bill in chancery, shall be necessary in any such case to establish the legal title to such estate in the wife.

Approved February 28, 1889.

No. 101.] AN ACT [H. B. 245

An act to authorize the election of an additional major in each regiment of State troops.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever there are three or more companies attached to the same regiment, and stationed in the same place, and there is no field officer of said regiment resident at the place, the governor, in his discretion, upon the application of the colonel of such regiment, may order the commissioned officers of such companies to assemble, at a time and place to be named, at the governor's order, to elect an additional major for such regiment, who, when elected and commissioned, shall hold office for the same term, and upon the same conditions as now prescribed by law for other field officers.

When an additional major can be elected for regiment state troops.

Approved February 28, 1889.

No. 102.] AN ACT [H. B. 1011

To require the sheriff of the counties in this State to keep a correct record in his office of each and every prisoner in jail.

SECTION 1. Be it enacted by the. General Assembly of Alabama, That the court of county commissioners of each county in this State, shall provide a well bound book to be kept in the office of the sheriff, subject, during office hours, to the inspection of the public, in which the sheriff shall enter the name of each prisoner confined in jail, age, sex, and color, charges, order of commitment and order of release.

Sheriff to keep book and in it name of each prisoner, etc.

SEC. 2. Be it further enacted, That any sheriff failing to keep said book of record, with the entries named in first section of this act, shall be, on conviction thereof, guilty of a misdemeanor, and shall be fined not more than one hundred dollars. Penalty.

SEC. 3. Be it further enacted, That it shall be the duty of the probate judge and the circuit clerk of the different counties of this State, in their weekly visits to the jails, as now required by law, to inspect the record books of the sheriff, and see that the entries are properly made, and verify each entry therein made, and shall report to the grand jury any failure of the sheriff to discharge the duties prescribed by this act. Duties of probate judge and ci cuit clerk.

Approved February 28, 1889.

No. 103.] AN ACT [H. B. 557

To amend subdivision 6 of section 454 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That subdivision six of section 454 of the Code of 1886, be amended so as to read as follows: That all express and telegraph and sleeping car companies doing business between points wholly within this State, and without reference to their inter-state business, shall pay in advance on the first day of January in each year, to the auditor of the State of Alabama, a privilege tax of five hundred dollars, together with one dollar for each mile of telegraph line, or of railroad tracks, on or along which the lines of said companies operate or extend ; and no express or telegraph company which has paid the privilege tax hereby required, shall be liable to pay any other privilege or other tax in this State except licenses required by cities and towns, and except upon their real estate, fixtures and other property, which shall be taxed at the same rate as is now levied and collected upon other property in this State ; Provided, That all express or telegraph companies which have heretofore paid their taxes to the State under existing laws, for the year 1889, are hereby exempt from the provisions of this clause for said year; And provided further, That all telegraph companies whose lines, on which Privilege tax on express, telegraph, a n d sleeping car companies.

business is done wholly within the State, do not exceed 150 miles, shall pay, at the same time and in the same manner and for the same purpose, a privilege tax at the rate of one dollar a mile for each mile of railroad along or upon which they operate or do business, and no more; And provided further, That said company, or some agent thereof, shall, when making payment of the tax hereinbefore mentioned, report, under oath, the mileage of railroad operated by them respectively, and in default of the payment of said tax, or the making of said report, for sixty days after maturity of said tax, a penalty of double the amount of the same shall be imposed on such defaulting com panies.

Penalty for default.

Approved February 28, 1889.

No. 104.] AN ACT [H. B. 177

To amend section 2756 of the Code of 1886.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 2756 of the Code of 1886 be amended so that said section shall read as follows, to-wit:

2756. Charges moved for by the parties.—Charges moved for by either party must be in writing, and must be given or refused in the terms in which they are written ; and it is the duty of the judge to write "given" or "refused," as the case may be, on the document, and sign his name thereto; which thereby be comes a part of the record, and charges which are given must be taken by the jury with them on retire ment, and those refused must be retained by the clerk.

Charges to jury

Approved February 28, 1889.

No. 105.] AN ACT [H. B. 603

To ratify, approve and confirm the numbering of the sections of the Code of 1886, as printed.

SECTION 1. Be it enacted by the General Assembly of

Alabama, That the numbering of the sections of the Code of 1886, as changed by the commissioners having in charge the publication thereof, and as now printed, be, and the same is hereby ratified, approved and confirmed.

Section numbers of Code confirmed.

SEC. 2. Be it further enacted, That in all acts which have been passed at the present session of the general assembly, or which may hereafter be enacted, amending or referring to sections of said Code, the numbers of sections mentioned in such acts shall be construed to refer to the numbers of sections as printed, and not to the number as contained in the original manuscript.

Approved February 28, 1889.

No. 106.] AN ACT [H. B. 942

To regulate the collection and payment of solicitors fees into the State treasury.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the solicitors of the different circuit, city and criminal courts in this State, within ten days after the adjournment of said courts, to make out and deliver to the clerks of said courts, and also forward to the auditor of the State, a certified statement showing the number and names of the persons convicted at that term of the court, the date of the sentence, the character of the offense charged, and the amount of the solicitors fee in each case.

Solicitors to make certified statements to clerks & State auditor.

SEC. 2. That upon the receipt of said statement from the solicitor by the auditor, he shall, in a book to be kept for that purpose, charge up against the clerk of said court the amount of the fees so verified to him by the solicitor, and said fees shall remain charged against said clerk until he shall have fully paid over the same to the State treasurer, and legally accounted therefor to the State auditor.

Duty of auditor.

SEC. 3. That commencing with the first day of April 1880, and every three months thereafter, it shall be the duty of the clerk to report to the auditor, and pay over to the treasurer, all of the solicitors fees by

Duty of clerks of courts.

him so collected, under the provisions of this act, and for the collection and payment of such fees, said clerk is authorized to retain, out of said amount, a
Clerk's fee. commission of five per cent. The clerk is entitled to ccedit for the amount paid for exchange in remitting the amounts to the auditor.

SEC. 4. That any solicitor or clerk, who shall willfully or corruptly fail to discharge the duties im-
Penalty. posed upon him by this act, shall be guilty of a misdemeanor, and on conviction, shall be fined not exceeding two hundred dollars.

Approved February 28, 1889.

No. 107.] AN ACT [H. B. 537

To amend section 4035 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 4035 of the Code be and the same is hereby amended so as to read as follows:

Section 4035. Any person who, while intoxicated or
Fine for drunkenness, etc. drunk, appears in any public place where one or more persons are present, or at or within the curtilage of any private residence, not his own, where one or more persons are present, and manifests a drunken condition, by boisterous or indecent conduct or loud and profane discourse, must, on conviction, be fined not less than five nor more than one hundred dollars, to be paid in money only.

SEC. 2. Be it further enacted, That the justices of the peace shall have concurrent jurisdiction with the circuit and county courts of Lamar, Bibb, Cleburne, Randolph, and Chambers, Tallapoosa, Clarke, Choctaw, Washington and Bullock, of the above offense.

Approved February 28, 1889.

No. 108.] AN ACT [H. B. 897

To amend subdivisions 22 and 29 of section 629 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That subdivision 22 of section 629 of the Code be amended so as to read as follows :

22. For each cock-pit, two hundred and fifty dollars—a license to be taken out semi-annually, on the first day of January and July of each year, at one hundred and twenty-five dollars for such semi-annual license. License for cock-pit.

SEC. 2. Be it further enacted, That subdivision 29 shall be and the same is amended so as to read as follows :

29. For each peddler of medicines or other articles of like character, one hundred dollars for each county in which they peddle; and for each peddler of spectacles or eye glasses, five dollars for each county in which they peddle. Peddlers of medicine. Spectacles.

Approved February 28, 1889.

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No. 109.] AN ACT [H. B. 732

To empower the governor of Alabama to reconvey to the United States a certain tract of land upon conditions described in this act.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the governor of Alabama shall, upon the request of the board of trustees of the University of Alabama, reconvey by deed to the United States the northwest quarter of southwest quarter of section 18, in township 15, south of range nine west, Huntsville meridian, situated in Walker county, Alabama ; said conveyance to be made by the governor of Alabama, upon condition that the commissioner of the United States land department will permit the selection of other lands of equal amount in lien of the lands reconveyed by virtue of this act, and such other lands so Certain land of University to be exchanged with U. S.

selected shall be the property of the University of Alabama, as provided by law.

Approved February 28, 1889.

No. 110.] AN ACT [H. B. 192

To provide greater security for travelers on passenger trains in this State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be lawful for any railroad company in this State to dispense with a bell-cord as a means for signaling the engineer, by adopting in lieu thereof, on any passenger trains, the Westinghouse automatic whistle signal, or other similar device for signaling the engineers.

Bell-cord on trains may be exchanged.

Approved February 28, 1889.

No. 111.] AN ACT [s. 289

To amend section 2972 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 2972 of the Code be amended so as to read as follows :

Section 2972 (3220). Subscription for stock in a corporation subject to garnishment.—Any creditor of a corporation may fill out a garnishment to reach and subject the unpaid subscription of any stockholder in such corporation.

Subscription for stock subject to garnishment.

Approved February 26, 1889.

No. 112.] AN ACT [H. B. 636

To amend section 43 of the Code, so far as the same related to Coosa county.

SECTION 1. Be it enacted by the General Assembly of

Alabama, That section 43 of the Code be amended so as to read as follows :

The president of the senate and speaker of the house of representatives shall each receive six dollars for each day's attendance, and each member of the general assembly shall receive four dollars for each day's attendance. The president of the senate and speaker of the house, and each member of the general assembly, shall be allowed ten cents a mile for every mile travelled in going to and returning from the seat of government, according to the distance herein specified, to-wit : Autauga, thirty miles ; Baldwin, one hundred and ninety-five miles ; Barbour, one hundred miles; Blount, one hundred and fifty miles ; Bibb, one hundred and five miles ; Calhoun, one hundred and fifty miles ; Chambers, eighty-three miles ; Chilton, forty miles ; Cleburne, 160 miles ; Cherokee, 183 miles ; Choctaw, 223 miles ; Conecuh, 82 miles ; Colbert, 226 miles ; Coosa, 126 miles ; Covington, 115 miles ; Crenshaw, 67 miles ; Cullman, 150 miles; Dale, 104 miles ; Dallas, 50 miles ; Dekalb, 186 miles ; Elmore, 20 miles ; Escambia, 114 miles ; Etowah, 160 miles ; Fayette, 191 miles ; Franklin, 244 miles ; Geneva, 120 miles ; Greene, 187 miles ; Hale, 102 miles ; Henry, 110 miles ; Jackson, 250 miles ; Jefferson, 96 miles ; Lauderdale, 231 miles ; Lamar, 250 miles ; Lawrence, 218 miles; Lee, 66 miles ; Limestone, 214 miles ; Lowndes, 25 miles ; Macon, 45 miles ; Madison, 215 miles ; Marengo, 105 miles ; Marion, 250 miles ; Marshall, 242 miles ; Mobile, 185 miles ; Monroe, 109 miles ; Montgomery, --; Morgan, 183 miles ; Perry, 80 miles ; Pickens, 180 miles ; Pike, 76 miles ; Randolph, 120 miles ; Russell, 74 miles ; Shelby, 75 miles; St. Clair, 140 miles ; Sumter, 135 miles ; Talladega, 110 miles ; Tuscaloosa, 152 miles ; Tallapoosa, 97 miles ; Walker, 153 miles ; Washington, 250 miles ; Wilcox, 110 miles ; Winston, 189 miles.

Pay of members of the general assembly.

SEC. 2. Be it further enacted, That this act shall take effect from and after its passage, and apply to the member from said county of Coosa at the present general assembly of Alabama.

Approved February 28, 1889.

No. 113.] AN ACT [H. B. 328

An act to amend section one of an act to authorize a subscription by the State to an index-digest of the Alabama Reports, approved February 28, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to authorize a subscription by the State to an index-digest of the Alabama .Reports, approved February 28, 1887, be and the same is hereby amended so as to read as follows:

SECTION 1. Be it enacted by the General Assembly of Alabama, That the governor is hereby authorized to subscribe in the name of the State for two hundred copies of .the said index-digest,, and on the deliv-
State subscrip- ery thereof to the Secretary of State, shall draw his
tion for index- warrant in favor of said Horace Stringfellow and Hen-
digest. derson M. Somerville for the prices of said index-digest not exceeding five dollars per volume ; but no money shall be paid until the 1st day of February, 1890, and this act to be void unless the books are delivered by that time,

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 28, 1889.

No. 114.] AN ACT [s. 299

To amend sections 3546 and 3547 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sections 3546 and 3547 of the Code be amended so as to read as follows, viz :

Section 3546. Several judgment creditors or creditors without a lien or judgment, may join in such bill; assignee of
Any creditor or judgment may file.—Any number of judgment creditors
may join as upon whose judgments executions have issued and been
complainant returned "no property found," or creditors without liens
in bill or dis- or judgments, may join as complainants in such bill.
covery.

The assignee of a judgment, or the several assignees of several judgments, may maintain such bill.

Section 3547 (3888). Orders ; decrees.—If from the answer it appears that the defendant has property, real or personal, or an interest in property, real or personal, subject to the payment of debts ; or has moneys, effects, or choses in action, or an interest in moneys, effects or choses in action, subject to the payment of debts, whether such property, moneys, effects, or choses in action, be within or without the State, the court in term time or in vacation, must make all such orders or decrees, as may be necessary and proper to reach and subject such property, moneys, effects, or choses in action, and for that purpose may appoint a receiver with authority to demand, sue for and recover, or otherwise to reduce to possession such property, moneys, effects, or choses in action, and may require the debtor to make to such receiver all conveyances, assignments or transfers, which may be necessary and proper to enable him to receive, or to sue for and recover such property.

Court may appoint receiver, etc.

Approved February 29, 1889.

No. 115.] AN ACT [s. 479

To amend section one of an act approved February 6, 1885, entitled an act to amend section 4414 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act approved February 6, 1885, entitled an act to amend section 4414 of the Code, be amended so as to read as follows:

Section 4414. Trespassing of stock under common fence.—Any one of several parties occupying or cultivating lands under a common lawful fence, or rather enclosure, who turns stock of any kind into such enclosure, or knowingly suffers such stock to go at large therein, without the consent of all the parties owning ; or cultivating said lands, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five nor more than fifty dollars, and also the amount of damages inflicted by said stock, which dam-

Stock running at large, penalty. etc.

ages shall be held as a part of the penalty imposed by the court, and shall go to the party injured.

Approved February 28, 1889.

No. 116.] AN ACT [H. B. 644

To provide for repairing and furnishing the capitol and improving the capitol grounds.

Appropriation for repairing capitol, etc.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of ten thousand ($10,000) dollars for the calendar year 1889, and the sum of ten thousand ($10,000) dollars for the calendar year 1890, in all twenty thousand ($20,000) dollars, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be expended during said years, under the direction of the governor, in repairing and furnishing the capitol building and in the improvement of the capitol grounds.

How a portion is to be expended.

SEC. 2. Be it further enacted, That so much of the funds appropriated by this act as may be necessary therefor shall be expended in repairing the roof of or re-roofing the capitol or such part of the building as may be necessary. Provided, That the sum of one thousand dollars, or so much thereof as may be necessary, shall be expended in furnishing the office of the auditor with an iron safe, and other necessary furniture; And provided further, That the other sum of two hundred and fifty dollars, or as much tliereof as is necessary, to be expended for the rebinding of the tract books, plats and maps in the office of the secretary of State.

SEC. 3. Be it further enacted. That warrants against the appropriations made by this act shall be drawn only on verified accounts which have been approved by the governor.

Approved February 28th, 1889.

No. 117.] AN ACT [H. B. 721

To amend section 3365 of the Code of Alabama.

SECTION 1. Be it enacted, by the General Assembly of Alabama, That section 3365 of the Code of Alabama be amended as as to read as follows :

Section 3365. Trial of right, of property; how instituted.—When an attachment or execution is levied on personal property claimed by any person not a party to the writ, he may try the right to such property before a sale thereof, upon affidavit being made by himself, his agent or attorney, which may be administered by the officer levying the process, that he has a just title thereto, and executing bond in double the value of the property so levied on, payable to the plaintiff, with sufficient sureties, to be approved by the officer making the levy, with condition to have the property forthcoming for the satisfaction of the plaintiff's payment if it be found liable therefor, and also for the judgment of such costs and damages as may be recovered for putting in the claim for delay, and thereupon the property must be delivered to the possession of the claimant.

Trial of right of property.

Approved February 26,1889.

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No. 118.] AN ACT [s. 366

For the better prevention of mobs, riots and tumults.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever any mob, riot or tumult, occurs in any city, town, or village, all persons therein who sell intoxicating liquors, arms, ammunition, dynamite, or other explosives, shall immediately close their bar rooms, saloons, shops, or other places where such business is carried on, and keep them closed, and refrain from selling, bartering, lending or giving away, any of the articles above mentioned, until such time as public notice shall be given by the sheriff, mayor or intendant, that such places may be opened, and such business carried on ; any person failing to close up such bar room, saloon, shop, or other

Mobs, riots and tumults ; certain business to stop when occur.

place where any of the businesses above mentioned are carried on, or who sells, barters or gives away any of the articles mentioned, after knowing, or having good reason to believe, that a riot, mob, or tumult has occurred, or is then going on, shall be deemed guilty of a high misdemeanor, and on conviction thereof, shall forfeit his license, and forever thereafter be debarred from engaging in such business, and may be fined not less than five hundred dollars, nor more than one thousand dollars, and may also be imprisoned for not more than one year, either or both, at the discretion of the jury trying the case.

Penalty.

SEC. 2. Be it further enacted, That whenever any mob, riot or tumult, has occurred, or there is reasonable cause to apprehend an outbreak thereof in any city, town, or village, or in the vicinity thereof, the mayor or intendant must immediately issue his proclamation, ordering the closing of all the places mentioned in section one of this act, and forbidding the selling, lending, giving away, bartering, or otherwise disposing of any of the articles mentioned in section one, until such time as, in his judgment such occupation may be carried on without danger to the public peace and safety, and any person knowingly violating the provisions of such proclamation, or suffering any person or persons in his employ to do so, or conniving with any other person to evade the terms of such proclamation, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than five hundred dollars, and not more than one thousand dollars, and may also be imprisoned in the county jail, or put to hard labor for the county for not exceeding six months, and shall forever thereafter be debarred from engageing in such occupation, either or both, at the discretion of the jury trying the case.

When mayor must issue proclamation.

Penalty for violating.

SEC. 3. Be it further enacted, That whenever any portion of the Alabama state troops are actually on duty by order of the governor, or other civil magistrate, to aid in the enforcement of the laws, the commanding officer of such troops, may order the closing of all the places mentioned in section one of this act, and forbid the doing of all the things prohibited in section one, so long as any of the troops remain on duty in such city, town, or village, or place in the vicinity thereof, whether any civil officer has forbidden

When command' g officer of troops must order closing, etc.

the doing of these things or not, and the commanding officer of such troops may continue the prohibition in force until the departure of the troops, although some civil magistrate mentioned in this act, may have prescribed an earlier date at which occupation may be carried on ; and any person knowingly violating such prohibition, shall on conviction, forfeit his license, and may also be imprisoned in the county jail, or put to hard labor for the county, for a period not exceeding six months, either or both, at the discretion of the jury trying the case.

Penalty for violating.

SEC. 4. Be it further enacted, That any person who knowingly sells, gives away, or barters to any officer, or member of the state troops any intoxicating liquors in any city, town, or village, wherein such troops are on duty, to aid in the enforcement of the laws, without first obtaining a written permit therefor from the commanding officer of such troops, shall on conviction, forfeit his license and be fined not more than five hundred dollars, and may also be imprisoned in the county jail, or put to hard labor for the county, for a period not exceeding six months, either or both, at the discretion of the jury trying the case.

Penalty for selling liquor to State troops.

SEC. 5. Be it further enacted. That the sheriff of the county may exercise all the powers herein conferred, except those given by section three in any part of the county, whenever he deems it necessary for the better preservation of the public peace.

Duties of sheriff.

SEC. 6. Be it further enacted , That this act shall take effect immediately.

SEC. 7. Be it further enacted, That nothing in this act contained shall be construed to prevent any compounder of medicines or apothecary from filling any prescription by any regularly licensed physician for any patient who may, in the judgment of such physician, need such intoxicating liquor, but no such prescription shall be filled unless in writing, stating the name of the patient, and signed by the physician, nor shall this act be construed to prevent the sale to any minister of the gospel of such wines as may be necessary for sacramental purposes, or to any medical officer of the state troops. Any physician who gives away any prescription with the intent to evade Sir the provisions of this act, shall on conviction, forfeit

Acts not prevented.

Penalty for physician evading.

his license and may also be fined not exceeding five hundred dollars.

Approved February 28,1888.

No. 119.] AN ACT [H. B. 692

To amend section 3682 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That so much of section 3682 of the Code of Alabama, as is in the following language : "Performing official duties not otherwise provided for, to be paid from the county treasury, such sum as may be allowed by the court of county commissioners, not exceeding per annum $200.00, except in Barbour county, in which it shall not exceed $400.00," be and the same is hereby amended so as to read as follows : Performing official duties not otherwise provided for, to be paid from the county treasury, such sum as may be allowed by the court of county commissioners, not exceeding per annum $200.00, except in Barbour county, in which it shall not exceed $400.00, and except in the counties of Madison, Montgomery, Jefferson and Calhoun, in which it shall not exceed $500.00 per annum.

Fees of clerks of circuit court

Approved February 26, 1889.

No. 120.] AN ACT [H. B. 833

To enable heirs and distributees to perpetuate testimony to show that they are heirs or distributees.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever a resident citizen of this State dies and letters testamentary, or of administration, have been duly granted on the estate of such decedent in this State, then any person claiming to be an heir or distributee of the deceased, may in the manner stated in the next section, perpetuate the testimony of witnesses de bene esse in the following cases : When the witness is over sixty years of age, or infirm ; when the

Perpetuation of testimony for heirs and distributes.

witness resides out of the State ; when the witness is about to go out of the United States ; or when claims of such person depends exclusively on the testimony of such witness or witnesses. Provided, however, that testimony taken under this act, shall be solely for the purpose of proving that the person claiming to be an heir or distributee of such decedent, is in fact an heir or distributee.

SEC 2. Be it further enacted, That such person claiming to be an heir or distributee of such decedent, may file an affidavit in the probate court of the county, wherein such letters testamentary or of administration were granted, stating his or her relationship to or connection with such decedent, and stating the name or names of the witness or witnesses proposed to be examined; the residence of each witness, and stating one or more of the grounds above enumerated for taking the deposition ; and with such affidavit such person so claiming shall file in said court interrogatories to such witness or witnesses, pertinent to his or her claims, and shall state therein the name and residence of such witness or witnesses, and the name and residence of the person or persons proposed to be appointed commissioner to examine such witness or witnesses. And thereupon a copy of such affidavit and interrogatories shall be served on the personal representative of the estate of such decedent, who shall, after such service, be allowed ten days to file cross-interrogatories ; and after said ten days the said probate court shall issue a commission directed to the commissioner and commissions nominated, with such interrogatories and cross-interrogatories, if any attached thereto; and such commission shall be executed, and such deposition shall be certified and returned to said probate court, as in civil cases at law in this State, And such deposition so taken may be read as evidence in any case in any court in this State, wherein such claimant is a party, and his claim to be an heir or distributee of such decedent is involved.

Proceedings to obtain testimony.

Approved February 28, 1889.

No. 121.] AN ACT [H. B. 860

To provide for the disposition of the fund derived from the sale of 16th sections, or other school lands, and to secure the interest thereon, for the public schools of the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all funds now in the State treasury derived from the sale of 16th sections or other school lands, or which may hereafter accrue from sales of such lands, together with the redemption money of other lands in which former accumulations have been invested under an act approved March 1, 1881, entitled an act the authorize the compromise and settlement of claims for school lands in this State, be and the same are hereby covered into the State treasury, and made available for general purposes.

Funds of 16th section, etc., available for general purposes.

SEC. 2. Be it further enacted, That the faith and credit of the State is pledged for the regular payment of the interest on said fund to the public schools of the State at the rate of six per cent. per annum.

State will pay interest.

Approved February 28, 1889.

No. 122.] AN ACT [H. B. 884

To amend section 10 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 10 of the Code of Alabama be, and the same is hereby, amended so as to read as follows :

SECTION 10. Laws continued in force, and laws repealed.—This Code shall not affect any existing right, remedy or defense, nor shall it affect any prosecution now commenced, or which shall be hereafter commenced, for any offense already committed. As to all such cases, the laws in force, at the adoption of this Code, shall continue in force ; but this section shall not apply to changes in forms of remedy or defense, to rules of evidence, not to provisions authorizing amendments of process, proceedings or pleadings in civil

Affect of laws in Code.

causes, local, private or special statutes, and those public laws not of general and permanent nature, and those relating to the swamp and overflowed lands ; and those prescribing regulations of the harbor of Mobile, and concerning ships and seamen, are not repealed by this Code, but subject to the foregoing provisions. All statutes of a public, general, and permanent nature, not included in this Code, are repealed.

Approved February 28, 1889.

No. 123.] AN ACT [H. B. 1028

To amend an act entitled an act to provide for returning and allowing proper credits for taxes wrongfully assessed and collected, approved December 6th, 1888.

SECTION 1. Be It enacted by the General Assembly of Alabama, That section five of an act entitled an act to provide for returning and allowing proper credits for taxes wrongfully assessed and collected, approved December 6th, 1888, be and the same is hereby amended so as to read as follows : That in all cases where any tax-payer has paid taxes upon his property, after the same has been sold for taxes, and purchased by or in the name of the State, such tax-payer shall, after making the proof, as set forth in section two of said act, approved December 6th, 1888, be allowed a proper credit by the probate judge of the county where the property is situated, for all the taxes that have been paid subsequent to such sale for taxes; such credits to be allowed by the probate judge in cases of redemption, and by the auditor upon the certificate of the probate judge as to such payments, in cases of purchase of such property from the State by the owner thereof.

Amendatory of Sec. 5 ; see page 7.

Approved February 28, 1889.

No. 124.] AN ACT [H. B. 738

To amend section 491 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 491 of the Code of Alabama of 1886, be amended so as to read as follows :

The assessor's book to contain list of all hands in county.

Sec. 491. Assessor to make list of all lands in county.—The assessor shall annually make out a complete list of all the lands in his county, subject to taxation, in a book properly ruled and bound, beginning with the lowest section, township and range, and proceeding in numerical order to the highest, and setting opposite each division and subdivision of sections, the name of the reputed owner thereof, and when the owner is not known, the words ":owner unknown ;" and said book shall be filed by the assessor in the office of the judge of probate, except in counties which have boards of revenue ; and in such counties the book shall be filed in the office of the president of such board of revenue instead of in the office of the judge of probate by the first day of December of each year, and said probate judge shall keep said book in his office for public reference free of charge.

Book free to public for reference.

Approved February 28, 1889.

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No. 125.] AN ACT [s. 277

To amend sections one (1), three (3), five (5) and nine (9) of "An act to amend an act to organize and regulate a system of public instruction for the State of Alabama, approved February 7, 1879, and amendments thereto," approved February 28, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sections one, three, and five, and nine of an act to amend an act to organize and regulate a system of public instruction for the State of Alabama, approved February 7th, 1879, and amendments thereto, approved February 28, 1887, be and the same are hereby amended so as to read as follows, to-wit :

Section 1. Be it enacted by the General Assembly of

Alabama, That on the 15th days of March, June, September, and December, 1889, and of every year thereafter, the county superintendent shall make in duplicate, for each race separately, a pay roll, showing the names of all teachers engaged in teaching public schools in their counties, with their post office address, and the estimated amount that will be due to each teacher at the end of the current quarter, from the funds of each township and range, in its regular numerical order ; and shall append thereto an affidavit that the same is correct. One of the said pay rolls shall be retained by the county superintendent, and the other lie shall forthwith forward to the superintendent of education, who shall examine the same, and if found correct, shall be approved by him, and filed with the auditor of state. Section 3. That immediately upon receipt by the county superintendent of the amount of the quarterly or monthly pay roll, he shall pay the teachers, taking their receipt therefor, on both copies of said pay rolls, and must, by the 15th day of January, April, July and October, return the approved copy of said receipted payroll to the State superintendent of education. Section 5. The money which has heretofore been paid, by the tax collector to the county and city superintendents, including poll tax, must be paid into the state treasury by the tax collectors monthly, as the same is collected by him, in the same manner as other taxes are collected and paid in ; that tax collectors shall, at the end of each month, before paying the poll tax into the state treasury, deduct the commissions allowed by law for assessing and collecting, from the amount collected from each race in each township and range, and separate school districts, and make a report in duplicate, showing the net amount due to each race in each township and range or separate school district. One of which reports he shall furnish to the county superintendent, and the other he shall forward to the state superintendent of education. Section 9, That in those counties in the State of Alabama, or separate school districts, wherein the teachers are now paid monthly by law, it shall be the duty of the county superintendent, or the superintendent of such district, as the case may be, to make out and forward to the

Teacher's pay roll for each race separately, to be made out in duplicate, etc.

County sup't must pay teachers immediately after receiving money.

Tax collectors must pay all school money into State treasury, etc.

Monthly pay counties in same counties as before.

state superintendent of education on the 20th day of every month, a pay roll as hereinbefore provided for and the state superintendent of education, the auditor and the state treasurer shall each severally perform all the acts and duties hereinbefore required of them, so that said teacher may be paid monthly.

SEC. 2 Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act be and they are hereby repealed.

Approved February 28, 1889.

No. 126.] AN ACT [H. B. 1012

To amend section 1664 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assemby of Alabama, That section 1664 of the Code of Alabama, be and is hereby amended by adding at the end thereof, as follows :

Land companies, etc., can invest in enterprises to advance their interests.

8. Land companies and corporations organized for the purpose of buying, selling or improving land, shall, in addition to the powers above stated, have power to invest their money or other property or assets in enterprises which they deem calculated to advance their interests, or to loan money or property to improvements on or near their lands, and to receive security for such investments or loads; and all such investments or loans heretofore made by such companies in good faith are hereby legalized.

Approved February 28, 1889.

No. 127.] AN ACT [s. 325

To provide for the listing of lands by tax assessors.

Land book by tax assessor of each county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the tax assessor of each county in this State to procure at the expense

of the county, a book properly ruled and bound, which shall contain a complete list of all the lands in the same, by the smallest sub-divisions, and beginning with the lowest section, township and range, and proceeding in numerical order to the highest, and indicating the same by initial letters, abbreviations and figures in a marginal column on the left of each page.

Entries to be made in book.

SEC. 2. Be it further enacted, That said book shall contain not less than four blank columns on each page, in one of which, and opposite to each sub-division the tax assessor shall enter annually, stating at the top, the year of entry, the word "Public," if the same is public land, the word "School," if the same is school land, the word "State," if the same has been bid in by the State for taxes; and opposite to such lauds as are taxable, he shall enter the name of the reputed owner, but when the name of the owner is not known he shall write the words, "Owner unknown."

How to list lands.

SEC. 3. Be it further enacted, That it shall be the duty of the tax assessor to list said lands each year as provided in the preceding section of this act, by comparison of the preceding year with the assessment sheet with the list of lands bid in by the State for taxes, as furnished by the auditor, with the supplement to the county tract book, as furnished the judge of probate by the Secretary of State.

When book delivered to judge of probate.

SEC. 4. Be it further enacted, That the tax assessor shall deliver said book, with said listing complete, for said year, to the judge of probate of his county, on or before the second Monday in July of each year, which shall be open to the inspection and examination of all persons, until the first day of January following, or until such time thereafter as it shall be required by the tax assessor.

Penalty for failing to comply.

SEC. 5. Be it further enacted, That if any tax assessor fails to comply with the provisions of this act, he shall be liable to suspension as provided in section 489 of the Code.

Tax assessor entitled to compensation.

SEC. 6. Be it further enacted, That for the services rendered by the tax assessor under the provisons of this act, the court of county commissioners shall allow him a reasonable compensation.

When act takes effect.

SEC. 7. Be it further enacted, That the provisions of this act shall not take effect before the first day of Jannary, 1890.

SEC. 8. Be it further enacted, That it shall be the duty of the judge of probate to issue to the tax assessor, when said book is delivered, if properly filled out for the year, according to the provisions of this act, a receipt for the same, and immediately certify the fact to the auditor.

Duty of judge of probate.

SEC. 9. Be it further enacted, That section 491 of the Code of 1886, and all other laws in conflict with this act, be and the same are hereby repealed.

Approved February 28, 1889.

No. 128.] AN ACT [s. 49

To codify the local laws of each country in the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of commissioners or board of revenue of any county in this State, may, in their discretion, cause to be codified the laws of such county.

Laws of each county may be codified.

SEC. 2. Be it further enacted, That such codifications shall not embrace any statue embraced in the Code of Alabama, or any private bill which relates to persons or incorporations, except town corporations or school districts.

Codification shall not embrace, etc.

SEC. 3. Be it further enacted, That each and every county officer, justice of the peace and notary public with magisterial powers, shall be furnished with a copy of such county code, on his application, as soon as he qualified as such officer.

Officers entitled to copies.

SEC. 4. Be it further enacted, That such codifications may be done every ten years.

Approved February 27, 1889.

No. 129.] AN ACT [H. B. 508

To amend section 1761 (2098) of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1761 (2098) of the Code of Alabama be, and the same is hereby amended so as to read as follows:

Section 1761 (2098). Paper not designating a certain payee, or payable to a fictitious person.—All bonds, bills or notes, except those issued to circulate as money, payable to anything or bearer, to any fictitious person or bearer, or to bearer only, must be construed as payable to the person from whom the consideration moved; if payable to an existing person or bearer, must be construed as if payable to such person or order; Provided, however, that all bonds payable to , anything or bearer, to any fictitious person or bearer, or to bearer only, which have been, or may be issued e by the State or any county or municipality thereof, or by any corporation under authority of law (except such bonds as appear on their face to be registered), shall be negotiable without indorsement according to the commercial law and governed thereby, except as to presentment, protest, notice and days of grace.

Bonds, bills or notes; who payable to.

Bonds, excepts registered, negotiable without endorsement.

SEC. 2. Be further it enacted, That all laws and parts of laws, in so far as they conflict with this act, be, and the same are hereby repealed.

Approved February 28, 1889.

No. 130.] AN ACT [s. 374

To amend section 1594 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1594 of the Code of Alabama be, and the same is hereby amended so as to read as follows:

Section 1594. Stockholders or directors meeting may be held without the State.—Any corporation organized under the provisions of this chapter, or a corporation s heretofore organized for the purpose of building, constructing or operating a railroad, may hold meetings of stockholders at such place or places without the State as may be designated by a resolution of the board of directors, by consent in writing of all the holders of the capital stock residing in this State who shall appear on the books of the company to be stockholders, on the day the meeting shall be called, acknowledged before a judge of probate, and certified under

Meetings of stockholders of railroad corporations of Alabama.

the seal of his office, and filed and recorded in the office of the Secretary of State. The directors of any such corporation may meet either within or without the State. But such corporation must keep a principal place of business within the State, and must there keep an agent with whom must be deposited copies of the proceedings of all such meetings of stockholders and directors, and must file with the Secretary of State a certificate signed by the president or other managing head, and the secretary of the corporation, under the corporate seal, stating the name of such agent and the principal place of business of the corporation, and a like certificate as there may from any cause, be a change of such agent; and copies of the proceedings of such meetings, as filed with such agent and certified by him, or the copies filed with him, are admissible in evidence against the corporation; and the service of process upon such agent in any suit or proceeding against such corporation, must be deemed and taken as service on the corporation. A written consent of the stockholders residing in this State for such meeting to be held without the State, once filed in the office of the Secretary of State, as herein provided, shall continue in force as to the stock held by those signing the same, until the same is revoked by an instrument in writing, executed by one or more of such stockholders, his or their assigns or legal representatives, acknowledged in the manner hereinabove provided, and duly filed and recorded in the office of the Secretary of State.

Must keep a place of business in this State.

Approved February 28, 1889.

No. 131.] AN ACT [H. B.718

To amend section 3210 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3210 of the Code be, and the same is hereby amended so as to read as follows, to-wit:

Section 3210. The court must also make an order directed to the sheriff commanding him to summon

not less than six nor more than twelve good and lawful men of the county, having the., qualification of jurors as prescribed by law, to be and appear before the court on the day appointed for the hearing of the application. From the persons so summoned a jury of six good and lawful men must be sworn and empaneled to ascertain the compensation or damages the owner of the lands is entitled to receive because of the land proposed to be taken, or because of the interest or easement therein proposed to be acquired. If from any cause a jury cannot be obtained from the persons so summoned, or ordered to be summoned, the court must order the summoning of talesmen until a jury is completed. Each party is entitled to challenge peremptorily two of the jurors so summoned.

To take land for public use jury of six to be sworn.

Approved February 28, 1889.

No. 132.] AN ACT [H. B. 555

For the protection of widows and minor children.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the widow and minor children or child, of any deceased husband or father, who have had set, aside to them, or to the widow, or minor children, or child, a homestead of the property of .such deceased husband and father, under the laws of Alabama, shall not be held to have forfeited the same to the claims of heirs or creditors, by a removal therefrom, so long as such widow, and minor children, or child, shall continue to reside in the State of Alabama; Provided, That a temporary absence from the State shall not defeat the provisions of this act.

Homestead of widow, minor children or child.

SEC. 2. Be it further enacted. That the provisions of this act shall apply to homesteads heretofore set apart, as fully as to those set apart hereafter.

Approved February 28, 1889.

No. 133.] AN ACT [H. B. 830

To amend section 3683 (5028) of the Code of Alabama.

SECTION. 1. Be it enacted by the General Assembly of Alabama, That section 3683 (5028) of the Code of Alabama be, and the same is hereby amended so as to read as follows:

Registers in chancery; fees.

Section 3683. Fees allowed to registers in chancery—Registers in chancery are entitled to the following fees for the following services: Issuing each subpoena on a bill, fifty cents. Issuing any other subpoena, forty cents. Entering each return thereof, fifteen cents. Entering each decree of 500 words or less, seventy-five cents. Entering each decree for every 100 words over 500, twenty cents. Making copy of bill, answer or any other paper, or proceedings for every 100 words, fifteen cents. For each report of 500 words or less, $2.50. For every 100 words over 500, twenty-five cents. Taking an account, swearing witnesses and performing other services relating thereto, for each day while engaged therein, $3. Taking each bond, $1. Appointing trustees, seventy-five cents. Recording resignation, removal or suggestion of death of trustee, seventy-five cents. For all other orders and proceedings in relation to trusts and trustees the same fees that are allowed by law in other chancery causes. For each notice required by law not otherwise provided for, fifty cents. Making abstract for publication, for each 100 words, twenty cents. Each execution, seventy-five cents. Making a complete record or copy thereof, for each 100 words, fifteen cents. Taking questions and answers, and recording the same, in proceedings to perpetuate testimony, for each hundred words, to be paid by the applicant, twenty-five cents. Performing other duties in relation thereto, for each application, to be paid by the applicant, $1. Making each deed to property sold under order of court, $2. Making any other deed, conveyance, transfer or assignment, under order of the court, $2. Making each certificate required by law, with or without seal, fifty cents. Copying or recording each paper or record not otherwise provided for, for each one hundred words, fifteen cents. Relieving minors of the disabilities of

non-age, where there is no contest, to be paid by the minor, or his or her next friend, not exceeding $5. For taking testimony on reference or in proceedings relating to trustees and receivers for every one hundred words written, fifteen cents. Commission on sales: For the first $100, two per cent., for all over $100 and not exceeding $1,000, one and one-half per cent ; for all over $1,000 one per cent, but for making sale to satisfy mortgage or deed of trust, when the property sells for more than $20,000, he shall receive one-quarter of one per-cent on all over $20, 000. For receiving, safe keeping and paying out or distributing money other than that arising from sales, on the first $1,000, one per cent., on all over $1,000 and not over $5,000, three-fourths of one per cent. ; on all over $5, 000 and not exceeding $10,000, one-half of one per cent.; and all over $10; 000, one-fourth of one per cent. Receiving money paid into court in which decree is rendered in favor of a special administrator under section 2271 (2626), one-half of one per cent. on the amount received. Filing each bill or other paper, twenty cents. Docketing each cause and entries to be charged by one tome, $1.00. Writ of injunction, attachment, ne exeat, or other writ, $1.50. Copy of same fifty cents. Issuing commission to take testimony, answers, etc., fifty cents. Decree pro-confesso against each defendant, seventy-five cents. Each order appointing guardian ad litem or any other order by and before the register, seventy-five cents. Each order of court, fifty cents. Receiving and publishing each package of testimony, twenty cents. Noting of testimony or hearing of cause, fifty cents. Each witness certificate, twenty-five cents. Entering each report and confirmation, one dollar. Each settlement, with receiver or trustee, for each day engaged therein, three dollars. For examining each voucher of trustee, receiver or other person acting in a fiduciary capacity, the same fees allowed judges of probate, 10. Each license issued to attorney to practice with order pertaining thereto, five dollars. Examination of each answer on exception to see whether the same is full and sufficient, three dollars. Abstract of each cause as it stands on the docket for the use of the chancellor, one dollar. Each appeal to the supreme court and to citation, one dollar. Each copy of citation, fifty cents.

Hearing application for receiver or trustee, each day, three dollars. For entering each appearance, twenty-five cents. For taking each affidavit, fifty cents. For all entries on subpoena docket, fifty cents. For entering each certificate of supreme court, fifty cents.

Be it further enacted, That all laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 28, 1889.

No. 134.] AN ACT [H. B. 801

To amend sections 3522, 3523 and 3524 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3522 be amended so as to read as follows:

Section 3522 (3869). Bond on injunction of judgment. No injunction must issue to stay proceedings after judgment in personal action, until the party at whose application the writ issues, gives bond with surety in double the amount of each judgment, payable to the opposite party, and approved by the register, conditioned on the dissolution of each injunction to pay the amount of the judgment enjoined with interest ; and also such damages and costs as may be decreed against such party. That section 3523, be amended so as to read as follows: Bond on injunction after recovery of lands.—No injunction must issue to stay proceedings at law after judgment on any action for the recovery of land unless the party give bond with surety, payable to the opposite party, and approved by the register, in such sum as the officer granting the application directs, conditioned for the payment of the damages in such judgment if enjoined, and also all damages and costs which the plaintiff in such judgment sustains by the sueing out of such injunction if the same is dissolved. And that section 3524 of the Code be amended so as to read as follows :

Bond on injunction of judgment.

Bond on injunction after recovery of lands.

Section 3524 (3871). Bond on injunction in other cases.—In other cases the party must give bond with

surety in such sum as the officer granting the application directs, payable to the party against whom the application is granted, and approved by the register, and conditioned to pay all damages and costs which any person may sustain by the sueing out of such injunction, if the same is dissolved.

Bond on injunction in other cases.

Approved February 27, 1889.

No. 135.] AN ACT [s. 247

To fix the times of holding the circuit courts in the several counties comprising the seventh judicial circuit.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the first day of June, A. D., 1889, the circuit court in the several counties now composing the seventh judicial circuit, shall be held at the court house thereof in each year as follows :

Times of holding court in seventh judicial circuit.

1. In the county of Talladega on the fourth Mondays in January and July, and at each term may continue four weeks.

2. In the county of Clay, on the fourth Mondays after the fourth Mondays in January and July, and at each term may continue two weeks.

3. In the county of Cleburne, on the sixth Mondays after the fourth Mondays in January and July, and at each term may continue two weeks.

4. In the county of Shelby on the eighth Mondays after the fourth Mondays in January and July, and at each term may continue three weeks.

5. In the county of St. Glair on the eleventh Mondays after the fourth Mondays in January and July, and at each term may continue two weeks.

6. In the county of Calhoun on the thirteenth Mondays after the fourth Mondays in January and July, and at each term may continue until the business is disposed of, unless sooner adjourned, at the discretion of the presiding judge.

SEC. 2. Be it further enacted. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed, but this act

shall not take effect until the 1st day of June, A. D., 1889.

Approved February 28, 1889.

No. 136.] AN ACT [H. B. 643.

To prescribe the mode of notice to administrators, executors and guardians in certain cases.

Notice to admr's, exec'rs and guardians; how given.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in all cases where notice is required by law to be given to executors, administrators and guardians in proceedings against them in the probate court, if affidavit shall be made that such executo r, administrator or guardian has been absent from the State of Alabama, for more than three months last passed, such notice shall be given publication in a newspaper published in the county where such proceedings are had, for two consecutive weeks, or by posting in three public places in such county for fifteen days, as the court may direct.

Approved February 27, 1889.

No. 137.] AN ACT [H. B. 441

To amend sections 1 and 7 of an act approved February 22, 1887, to authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars for the purpose of paying, taking up and cancelling the bonds of the State bearing six per cent, interest per annum, issued under an act approved February 13, 1879, to provide for the funding the domestic debt of the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sections 1 and 7 of an act entitled an act to authorize the issue of the bonds of the State to the amount of nine hundred and fifty-four thousand dollars, for the purpose of paying, taking up and canceling the bonds of the State, bearing six per cent.

interest per annum, issued under an act approved February 13, 1879, to provide for the funding the domestic debt of the State, approved February 22, 1887, be amended so as to read as follows, viz:

Section 1. Be it enacted by the General Assembly of Alabama, That the governor be, and he is hereby authorized to issue the bonds of the State of Alabama to an amount not exceeding nine hundred and fifty-four thousand dollars, bearing interest at a rate not exceeding four per cent. per annum, payable in the city of New York, and at the treasury of the State, with interest coupons attached; said bonds to be made payable at the expiration of thirty years from their date.' In regard to bonds of State.

SEC. 2. Be it further enacted, That section 7 of said act be amended so as to read as follows, viz:

Section 7. Be it further enacted, That if in his judgment the interest of the State requires it, the governor may issue registered bonds instead of the coupon bonds herein provided for. Said registered bonds shall bear interest at a rate not exceeding four per cent. per annum, payable semi-annually at the treasury of the State, and shall mature thirty years after their date.

Approved February 27,1889.

No. 138.] AN ACT [H. B. 858

To amend section 150 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 150 of the Code be and the same is hereby amended so as to read as follows :

Section 150. Experiment stations.—The trustees of the Agricultural and Mechanical college may establish and maintain an agricultural experiment station, at which careful experiments in scientific agriculture shall be made ; the results thereof shall be furnished the commissioner monthly, and he shall make publication thereof as often as he deems necessary; and if such station is established and maintained, and the trustees of the college shall cause, without charge therefor, an analysis to be made of all fertilizers sub- Agricultural college and department of agriculture.

mitted by the commissioner for analysis, one-third of the net proceeds annually accruing from the sale of all fertilizer tags shall be paid to the treasurer of the Agricultural and Mechanical college on the approval of the governor, to tie disbursed under the direction of the board of trustees of said institution for the development of the agricultural and mechanical department of said college. That the payments of said sum shall be paid quarterly.

Approved February 28, 1889.

No. 139.] AN ACT [H. B. 913

To provide for the payment of the salary of the solicitor of the tenth judicial circuit.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of three thousand dollars be and the same is hereby appropriated for the payment of the salary of the solicitor of the tenth judicial circuit for the fiscal years of 1889 and 1890 ; the same to be paid to said solicitor of the tenth judicial circuit in the manner now provided by law for the payment of salaries of solicitors.

Appropriation to pay solicitor of tenth circuit.

Approved February 27, 1889.

No. 140.] AN ACT [H. B. 521

To provide the manner of payment of certain fees allowed sheriffs, as provided under section 4872 of the code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the fee of $2 allowed sheriffs under section 4872 of the Code, for attendance each day on such court, must be paid by the counties in which such service is rendered.

Counties to pay sheriff for attending court.

Approved February 27, 1889.

No. 141.] AN ACT [s. 257

To provide for the answering by corporations of interrogatories propounded under the provisions of section 2816 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever interrogatories shall be propounded to a corporation, under the provisions of section 2816 of the Code, the answer thereto shall be made by such officer, agent or servant of the corporation as shall be cognizant of the fact.

Interrogatories to corporation; how to be answered.

Approved February 27, 1889.

No. 142.] AN ACT [H. B. 276

To provide for the public printing of the State.

SECTION 1. Be it enacted, by the General Assembly of Alabama, That the acts and journals of the general assembly, the revenue laws of each session of the general assembly in separate pamphlets, the reports of the decisions of the supreme court, annual reports of the auditor, treasurer, attorney-general, superintendent of education, commissioner of agriculture, railroad commissioners, inspectors of convicts, adjutant general, State geologist, State board of health, the board of trustees of the University of Alabama, the Agricultural and Mechanical College, the Insane Hospital and Institution for the education of the deaf, dumb and blind, all hand-books and pamphlets which the commissioner of agriculture is or may be authorized by law to publish, all blanks, bulletins, circulars, notices, messages and forms used in the offices of, and ordered by, the governor, secretary of state, auditor, treasurer, attorney-general, adjutant-general, superintendent of education, clerk of the supreme court and examiner of public accounts, commissioner of agriculture, railroad commissioners and inspectors of convicts, and all bills, papers, documents and reports ordered by and for the use of the general assembly, or either house thereof while in session, shall be printed, or printed and bound as the case may be, and the records of

Public printing and binding must be executed under contract.

the supreme court shall be bound as ordered by the clerk of the court, under contract as hereinafter provided ; and no printing or binding for, or on behalf of the State, shall be done under the contracts made in pursuance hereof other than that covered by this act, unless it be authorized by statutes hereafter enacted.

SEC. 2. Be it further enacted, That the printing and binding authorized in section 1 of this act shall, for the purposes of the contracts hereinafter provided for, be divided into two classes, as follows: Class 1 shall embrace the printing, or printing and binding, as the case may be, of the acts and journals, the supreme court reports and records, the revenue laws, the several reports of the officers, commissioners and boards specified in the preceding section, and any handbooks, pamphlets, etc., authorized as aforesaid, to be published by the agricultural department. Class 2 shall embrace the printing of all blanks, bulletins, circulars, notices and forms provided to be printed in this act, and all printing done by order and for the use of the general assembly or either house thereof while in session.

Divided into two classes.

Class one.

Class two.

SEC. 3. Be it further enacted, That it shall be the duty of the secretary of State biennially, from and after the first day of December, 1890, to advertise for ten days in one daily newspaper in each of the cities of Mobile, Montgomery, Selma and Birmingham for proposals to do printing and binding for the State for the term of two years from the first day of January next thereafter; Provided further, That the secretary of State may agree with the present public printers for the extension of the existing contract from January the first, 1889, to February 1st, 1890.

Secretary of State to advertise for proposals for bi-ennially.

SEC. 4. Be it further enacted, That all proposals for the doing of printing, binding, or printing and binding, for the State must be in writing, signed by the person, firm or corporation proposing, and must be accompanied by the bond of such person, firm or corporation, with two or more sufficient sureties, resident citizens of this State, in the penalty of ten thousand dollars if the proposal is to do the printing specified in class one ; two thousand five hundred dollars if the proposal is for printing specified in class two, and twelve thousand five hundred dollars if the proposal is to do both classes of printing, payable to the State of Alabama, and conditioned for the

Proposals must be in writing, and accompanied with bond.

faithful performance of the contract made, on the acceptance of the proposal. The proposal, with the bond or bonds must be scaled, endorsed, "proposals for public printing," and delivered to the secretary of State by mail or otherwise, on or before the 20th day of the month in which the advertisement was made; and all such persons, firms or corporations, proposing to do the printing and binding under the provisions of this act shall be confined to the bona fide residents of the State of Alabama.

Confined to residents of State.

SEC. 5. Be it further enacted, That the following shall be the maximum rates allowed for printing, or printing and binding, that is to say: For each page of the acts and joint resolutions, two dollars and sixty cents; for binding each copy of the acts in excess of three hundred copies, twenty-five cents; for each page of the journals and revenue laws, one dollar and ninety-five cents ; for binding journals, twenty-five cents per copy; for each copy of any volume of supreme court reports, printed and bound as hereinafter required, in editions not exceeding seven hundred copies, two dollars and five cents; for blanks printed on paper, per quire of twenty-four sheets, sixty cents ; for binding each copy of the acts in excess of three hundred copies, twenty-five cents; for blanks printed on parchment, per quire of twenty-four sheets, ninety cents ; for the printing done for the offices, commissions and boards specified in section one, and for the general assembly or cither house thereof, while in session : for composition per thousand ems of plain matter, fifty cents; figure work per thousand ems, seventy-five cents ; rule and figure work per thousand ems, one dollar and ten cents; press work, including paper, per token, common octavo forms, one dollar and twenty-five cents; broadsides, including paper, per token, seventy-five cents; folding reports, pamphlets, bills and other documents, per hundred copies, on each signature, distinct tables to be considered signatures, twelve and one-half cents; stitching of reports, pamphlets, bills and other documents, per hundred copies, twenty cents; and no proposal for doing printing and binding at greater rates than those here fixed sliall be considered, but all bids must be at these rates, or at a certain per cent below them.

Maximnm rates.

SEC. 6. Be it further enacted, That the secretary of State must, after the 20th and before the 31st of the

month in which bids are received, open the same in the presence of the governor, auditor, treasurer, and commissioner of agriculture ; and the secretary of State and the other officers named, any three concurring, shall select the lowest responsible bidder, either for the classes of printing respectively, or for both classes combined, as may be to the interest of the State; but no bid unaccompanied by a bond as required in section four shall be considered ; and if in the judgment of a majority of said officers the public interests can best be subserved thereby, all the proposals, or all for either class of printing may be rejected, whereupon the secretary of State shall re-advertise in all respects as in the first instance, for proposals for doing the public printing, or that class of printing as to which the bids were rejected, upon the coming in of which they shall be considered, passed on and accepted or rejected, and in the latter event re-advertisement made, etc., as in this section provided with respect to the bids first filed.

How lowest bidder is to be selected.

SEC. 7. Upon the acceptance of any proposal the secretary of State must endorse the fact and date of the acceptance therein and give notice thereof to the party whose proposal is accepted; and thereupon the secretary of State, in the name of the State, and such party, shall enter into contract in writing for the doing of the printing covered by the proposal for the time and in the manner prescribed by law on the terms expressed in the proposal. If such party fails for ten days to enter into the contract the officers named in section 6 may select the next lowest bidder for the printing as to which the failure occurs, and the party failing, and the sureties on his bond shall be jointly and severally liable to the State for all damages that may result from such failure, including the increased cost of printing for the term under any contract afterwards made, and the expenses incident to the making of any subsequent contract. All contracts for public printing, and all bonds to secure the faithful performance of the same, shall be approved by the governor, auditor and treasurer, and a new or additional bond may be required whenever they deem it necessary. The giving of such new or additional bond, however, shall in no wise affect the liability of the sureties on the original or any existing bond.

Secretary of State to enter into contract etc.

Contracts and bonds to be approved by Governor, Auditor and Treasurer.

SEC. 8. Any contracts made under section 6 may be

declared forfeited by a majority of the officers therein named, for the failure or neglect of the contractor to execute the same faithfully, promptly and skillfully, and upon such forfeiture the printing embraced in said contract shall be re-let after advertisement in all respects as the original contract was made; and any contractor who fails or neglects to execute his contract faithfully, promptly and skillfully, and the sureties on his bond shall be jointly and severally liable to the State for all damages which result from such failure, and in case the contract is declared forfeited as herein provided, such damages shall include the increased cost of the printing under any subsequent contract for the term, and all expenses incident to re-letting the printing. Contract may be declared forfeited.

SEC. 9. Actions against contractors for public printing, and the sureties on their bonds, either or both, may, be prosecuted in the courts of Montgomery county, without regard to the residence of the defendants. Where actions may be brought.

SEC. 10. That printing of class one may be done within the State, but printing of class two must be done at the seat of government. Provided, however, That contractors for both classes of printing combined may, with the approval of a majority of the officers named in section 6, sub-let class two so that a party whose plant is elsewhere than at the seat of government may contract for all public printing, and execute his undertaking as to class two through a sub-contractor at the capital, being responsible on his bond for the faithful, prompt and skillful execution of such work in all respects as if no sub-contract was made. Where printi'g may be done.

SEC. 11. That the reports of the decisions of the supreme court shall be printed in volumes of not less than 625, nor more than 675 pages, exclusive of title page, table of cases and other prefatory matter, and the index. Each volume shall be printed on new type, set in the same way and of the same class as the type used in the 69th volume of Alabama Reports, and the mechanical and typographical execution, binding and labeling, and all material used in each volume, shall in all respects be at least equal to the 69th volume aforesaid, and each volume shall be numbered by figures instead of Roman letters. Alabama Reports.

SEC. 12. That parchments for blanks, in which it is necessary to use that material, shall be furnished by the Parchment for blanks.

State, and all blanks provided for by this act shall be, printed on good paper, except where parchment is used as aforesaid, of such size and with such type as the officer ordering the same may direct,

Department reports, etc.

SEC. 13. That all reports of departments, officers, commissions, boards, and bureaus authorized by this act to be printed, shall be made to the governor, on or before the 10th day of October, 1890, and annually thereafter for each year, ending on September 30th theretofore, and the governor shall have the same, or such parts of such reports as he may deem necessary, printed in such numbers as the public interest may, in his judgment, require—one half of the edition in each instance for the use of the general assembly, and the remaining copies for distribution, as is or may be prescribed by law. The governor shall have twenty-five copies of each of the reports provided for in this act, bound in calf for distribution among the several executive officers of the State, and to the State library.

Secretary of State to contract for publishing general and public laws in a newspaper.

SEC. 14. That the secretary of State shall, by circulars addressed to each daily newspaper in this State which publishes a weekly edition in the State of Alabama, in the month of October next, before the meeting of the general assembly, invite bids for publishing in both editions of such paper all the laws of a general and public character, and which have effect in every county and upon all the people of the State, which shall be enacted by the next general assembly, and may accept the proposal of the lowest responsible and best bidder for doing such publishing; but in determining which bid to accept the board may take into consideration the circulation of the bidder, and enter into contract therefor against the meeting of the general assembly, and furnish to such contractor copies of all such laws within five days after their approval by the governor, or after their passage over his veto, as the case may be, marked, "official," and endorsed with his name and style of office, and as soon as practicable after receiving such copies, the contractor shall publish the same as aforesaid, charging therefor as one insertion only, at the contract rate, which shall not be in excess of seventy-five cents per square, and the contractor shall furnish by mail or otherwise, each paper, either weekly or daily, containing any of said laws, to every supreme, circuit, city, and pro-

bate judge, chancellor, solicitor, superintendent of education, register in chancery, sheriff, clerk of court, tax assessor, and tax collector in the State, and each member of the general assembly, free of charge. Provided, That the successful bidder under this section shall give bond payable to the State, in the sum of five thousand dollars, to be approved by said board, conditioned to faithfully perform the duties of his contract. Bond.

SEC. 15. That payment for all printing done for or on account of the department of agriculture, shall be made out of the funds of that department in the same manner as other expenses of that department are paid. Payment for printing for the railroad commission shall be made out of the funds arising from the license on the railroads for the support of that commission, on the certificate of the president of the commission, to the secretary of State, that the work has been done on his order, or the order of the governor, if it be the annual report, and the certificate of the secretary of State, to the auditor, setting forth the amount due for the work under the contract; and payment for all other printing authorized by this act shall be made out of the general annual appropriation for that purpose, upon the showing and in the manner now authorized by law for the same, or similar printing, at the contract rates. How payments are to be made.

SEC. 16. That sections 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 222, 223, 226, and 230, of the Code of 1886, and all other laws which conflict with this act to the extent of such conflict, be and the same are hereby repealed. Provided, That this act shall not go into effect until the thirty-first day of December, 1890. Conflicting laws repealed.

Approved February 28, 1889.

No. 143.] AN ACT [H. B. 15

To amend and ratify the charter of the Selma Land Improvement & Furnace Company.

Selma Land Co.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate name of the Selma Land Improvement & Furnace Company, a corporation heretofore, on the 5th day of March, A. D. 1887, duly created and organized under and in accordance with the general laws of this State, be and the same is hereby, at the request of said corporation, changed to Selma Land Company ; and in and by the name last above mentioned, the said corporation is hereby clothed and invested with, and may exercise all the rights, power, privileges and franchises set forth in and conferred by its charter ; that is to say, the articles of incorporation thereof on file and of record in the office of the judge of probate of Dallas county in this State ; and the said charter is hereby, in all things, ratified and confirmed.

May reduce and decrease stock.

SEC. 2. Be it further enacted, That said corporation by its stockholders in convention assembled, or through its board of directors, ba and the same is hereby authorized, from time to time, to reduce and decrease the capital stock thereof as the interests of said coporation may require ; and in case of such reduction it shall be the duty of its board of directors to cause a certified statement of the date and amount thereof to be filed and recorded in the office of the judge of probate of said Dallas county.

May receive its stock for lands, etc.

SEC. 3. Be it further enacted, That said corporation, by authority of its board of directors, be and the same is hereby empowered to receive its own paid up capital stock, at not less than the par value thereof, in payment of the purchase-money for lands and other property of said corporation, and the said capital stock, so

acquired, may be retained as assets in the treasury of the corporation for the common benefit of its stockholders, or the same may be reissued or may be cancelled and retired, as said board of directors may determine.

Approved November 26, 1888.

No. 144.] AN ACT [H. B. 112

To authorize the commissioners court of Crenshaw county to establish or abolish stock law districts.

SECTION 1. Be it enacted by the General Assembly Alabama, That the commissioners court of Crenshaw county may establish districts in said county in which stock shall not be allowed to run at large, or they may abolish such districts heretofore or hereafter established in the manner hereinafter provided. Stock law districts.

SEC. 2. Be it further enacted, That whenever any ten freeholders petition said court in writing, stating that they desire an order to be made establishing a district wherein stock shall not be allowed to run at large, fully describing such district, or if such petition is to abolish such a district or portion thereof heretofore or hereafter established, the petition must describe the district clearly and state that the petitioners reside therein; that in either case the petition must be filed with the probate judge of said county at least thirty days before the next term of the commissioners court, and he must cause a notice of said application to be posted at the court house door, and copies thereof to be posted at three public places in the district described in the application or petition; at least two consecutive notices must be given in a newspaper published in the county, of the day of hearing such application, provided there be any paper published in the county. Petition for.

SEC. 3. Be it further enacted, That said court of county commissioners must, if such petition or application is filed thirty days before the term commences, and such notices are posted and published as above provided, hear the petitioners, and any person who Duties of county commissioners.

may be opposed thereto, and must make the order granting or dismissing such petition in whole or in part; such order must clearly describe the district therein established or abolished, such order to go into effect forty days after it is made. If such order abolishes a district or portion thereof heretofore or hereafter established, such order shall operate as a repeal of the order of law establishing such district or portion thereof abolished by such order.

Animals not to go at large.

SEC. 4. Be it further enacted, That it shall be unlawful for the owner of any horse, mule, ass, cow, hog, sheep or goat in such district as may be established by the commissioners court, under the preceding section, to permit any such animal to go at large off the premises of such owner.

Lien on stock for damages and costs.

SEC. 5. Be it further enacted, That any person injured by any live stock running at large in violation of the preceding section, either in his person or to his property of any kind, shall have a first lien upon said stock prior to all other liens, for all damages done by said stock and for the costs of all legal proceedings prosecuted by the injured for the recovery of damages for the violation of this act.

Proceeding before and by justices of the peace, etc.

SEC. 6. Be it further enacted, That any person whose property or person is injured by stock running at large upon his land in violation of this act, may, within thirty days after such damage was done, make complaint against the owner or custodian or herdsman of the stock doing the damage, to a justice of the peace, or notary public who has the powers of a justice of the peace, of the precinct in which such damage was done, and if there be no justice of the peace nor notary public having the powers of a justice of the peace in such precinct, then to the next justice or notary having the power of a justice of the peace. Said complaint must describe, as nearly as may be, the stock doing the damage, and the property, persons or things injured, and state the amount of damage done. Upon the filing of said complaint, the justice or notary must issue a summons to the owner or manager of said stock commanding him to appear before such justice or notary on a day, not more than five days after the issuance of said summons, and answer the same. Said justice or notary must also issue notice to three disin-

terested freeholders, to be selected by him, commanding them to assess and report to said justice or notary on the day set for the trial of said cause, on their oath, the amount of damage sustained by the complainant by reason of said stock running at large in violation of this act, which report must be received as evidence in the trial of said cause. If judgment be rendered for the complainant, the justice trying the cause must, if said judgment and cost be not presently paid, condemn the stock doing the damage to be sold for the satisfaction of said judgment and costs, and shall forthwith issue to any constable of Crenshaw county an order commanding him to sell the stock so condemned, describing them in said order, for the satisfaction of said judgment and costs. Every person appointed by the justice or notary to assess said damages shall be entitled to receive one dollar per day, which shall be taxed and collected as other costs are taxed and collected under this act.

Stock may be taken up.

SEC. 7. Be it further enacted, That any owner or manager of any lands within the limits described in the first section of this act, within which it shall not be lawful for stock to run at large, who may find any live stock running upon his land, shall have the right to take up said live stock and confine the same so as to prevent their doing further or other damage, and shall also feed and water said stock, for which he shall receive the sum of twenty-five cents per day, per head, and the costs of feeding and watering said stock shall, on proof being made to said justice on the trial of said cause, that said feed and water was given to said stock in sufficient quantity and of good quality, be taxed against the defendant as other costs are taxed, and collected from the sale of said stock or by execution against the owner thereof.

When owner of stock is unknown.

SEC. 8. Be it further enacted, When any live stock is found trespassing upon the land of another, in violation of this act, and the owner or manager thereof is unknown, then the justice to whom complaint is made shall cause a notice to be posted in three public places in the neighborhood of the land upon which such stock was found trespassing, describing, as fully as he can, said stock, and giving notice of the day upon which said trial shall be had, and then proceed in all

respects as provided in this act when the owner of the stock is known. Should the stock sell for more than enough to pay the judgment and costs adjudged against said stock, or the owner thereof, the surplus, if any, must be paid to the owner of said stock if he be known, and, if the owner be unknown, the surplus must be paid into the county treasury, and paid by said treasurer to said owner whenever he makes satisfactory proof that the stock sold were his property, and he is entitled to the surplus proceeds thereof.

Fine for riding on tilled lands.

SEC. 9. Be it further enacted, That any person who rides or drives any stock upon or over the tilled lands of another within the limits prescribed in the first section of this act, within which it is unlawful for stock to run at large, must, on conviction, be fined not less than ten dollars.

For tolling or driving on.

SEC. 10. Be it further enacted, That any person who causes any live stock to break away from their herder, guard or tether, or who tolls or drives said live stock upon the lands of another, must, on conviction, be fined not less than twenty-five dollars.

Appeals.

SEC. 11. Be it further exacted, That any judgment rendered under the provisions of this act, either party may appeal to the circuit court, as in other civil cases.

Privileges of owner.

SEC. 12. Be it further enacted, Whenever the owner, custodian or herdsman of any stock arrested for the trespass upon the laud of another, shall tender, or cause to be tendered, to the person injured, the amount of the damages done and all the costs that have accrued up to the time of the tender, and said tender is refused, and the damages are assessed at an amount not greater than the amount tendered, the plaintiff shall not have or recover any judgment for any costs.

SEC. 13. Be it further enacted, Whenever any stock are confined, under the provisions of section four of this act, the owner thereof may replevy the same by giving such bonds as may be approved by the person damaged or by the justice or notary before whom the complaint is made.

Special tax.

SEC. 14. Be it further enacted, That the commissioners court of said county shall have power and authority to levy a special tax in any such stock district as is now established, or may hereafter be established, under

the provisions of this act, sufficient and for the purpose of building and keeping up a line fence between any such stock districts and other parts of said county, or other adjoining counties not included in such stock districts.

How assessed and collected.

SEC. 15. Be it further enacted, That any such special tax as may be levied by the commissioners court of said county, in any such stock district as is now or may hereafter be created by said commissioners court, shall be assessed and collected by the officers now authorized by law to assess and collect the State and county taxes of said county, and in the same manner, and under the same laws, now in force, for the assessment and collection of special taxes in said county.

Disposition of.

SEC. 16. Be it further enacted, That the tax collector of said county shall collect said special taxes as provided in the preceding section, and shall pay the same over to the county treasurer of said county, who shall hold the said funds, and keep them apart from all other funds in his hands, and shall be paid out by him for the purposes set forth in section fourteen of this act, under warrants to be issued to him by the commissioners court of said county.

Line fences to be kept up.

SEC. 17. Be it further enacted, That the commissioners court of said county shall have the power and authority to employ any person or persons to build and keep up such line fences as are authorized by this act, and to draw warrants on the county treasurer for payment of the same, to be paid out of the funds therein to be levied and collected for this purpose.

SEC. 18. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be, and the same are hereby repealed.

Approved November 27,1888.

No. 145.] AN ACT [H. B. 69

To regulate the payment of claims against the general fund of Randolph county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act

the treasurer of Randolph county shall pay all valid payable claims against the general funds of said county, according to the order in which such claims are registered by the said treasurer; Provided, That all jury certificates against said county shall be paid by said treasurer on presentation of such certificates to said treasurer, and the said treasurer is authorized to receive such jury certificates in payment of county taxes.

County treasurer's duties.

SEC. 2. Be it further enacted. That all laws and parts of laws, so for as the same may be in conflict with the provisions of this act, be and the same are hereby repealed.

Approved November 27, 1888.

No. 146.] AN ACT [s. 59

To permit the people of Marshall county to elect their county commissioners by a vote of the qualified electors of each commissioners district in said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners of roads and revenues in Marshall county shall be elected by a vote of the qualified electors of each commissioners district in said county, the candidate receiving the highest number of votes from each district, shall be declared elected ; Provided, that the person so declared elected shall reside in said district from which he shall be so elected.

County comm'rs of Marshall county.

Approved February 28, 1889.

No. 147.] AN ACT [H. B. 16

To repeal an act entitled an act to regulate the trial of misdemeanors in the county of Elmore, approved February 24th, 1887, and to provide for the disposetion of certain cases now pending in the county court of Elmore county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the act entitled an act to regulate the trial of misdemeanors in the county of Elmore, approved February 24th, 1887, be and the same is hereby in all things repealed ; Provided, that all criminal cases commenced by indictment now pending in said county court shall be transferred to the circuit court of Elmore county, and shall be placed on said circuit court docket for trial, and the clerk of said county court shall certify all minute and docket entries in such cases, together with the original papers in such cases, to said circuit court, which certificate shall be attested by the judge of said county court. And the said certificate and the placing of said cases on the circuit court docket shall be all that is necessary to constitute the transfer as contemplated by this act.

Misdemeanor cases in Elmore county.

Approved February 27, 1887.

No. 148.] AN ACT [H. B. 18

To authorize the county of Henry to borrow money and issue bonds for the purpose of building a court house and jail for the use of said county at Abbeville, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That to enable the court of county commissioners of the county of Henry to erect or cause to be erected a suitable court house and jail at Abbeville for the use of said county, the said county is hereby authorized and empowered through said commissioners to borrow money not to exceed in the aggregate ten thousand dollars, at a rate of interest not exceeding eight per centum per annum, and may levy a tax upon the taxable property of said county for the payment of the interest annually accruing upon such loan, and also for the purpose of paying the principal thereof, but such levy shall not in any one year exceed one-fifth of the principal of the whole amount of such loan.

Henry county; court-house and jail for.

SEC. 2. Be it further enacted, That in addition to the powers conferred upon the commissioners court of the county of Henry in section one of this act, the said

Bond may be issued.

county, through its said court of county commissioners, is hereby authorized and empowered to issue bonds of said county not to exceed in the aggregate ten thousand dollars, to be sold or hypothecated at not less than par, and the proceeds arising therefrom to be applied exclusively to the construction and erection of a suitable court house and jail for the use of said county at Abbeville ; Provided, that the whole amount of bonds sold and money borrowed under this act shall not in the aggregate exceed the sum of ten thousand dollars.

Kind of bonds.

SEC. 3. Be it further enacted. That the bonds provided for in section two of- this act shall be issued in denominations of one hundred and five hundred dollars, in discretion of the commissioners of said county; said bonds shall be printed and issued in the form prescribed by said commissioners, with suitable interest coupons attached, bearing eight per cent. interest per annum, or any lower rate, in the discretion of said commissioners, at which they may be able to negotiate and sell said bonds at par ; said bonds shall be exempt from county and municipal taxation, and shall have twenty years to run, but fifty per cent. of all that are sold and negotiated under this act shall be subject to call within the discretion of said court of county commissioners after five years from the date of their issuance, and the whole of said bonds negotiated in pursuance of this act shall in like manner be subject to call and payment after ten years from their date and issuance ; that the interest on said bonds shall be payable annually on the first day of January at the office of the county treasurer. Each of said bonds must be signed by the probate judge and countersigned by the county treasurer, and sealed with the seal of the probate judge.

Bonds registered or recorded in book.

SEC. 4. Be it further enacted, That all of the bonds negotiated, as provided in this act, shall be registered or recorded in a suitable book of records, to be kept by the treasurer of said county, with sufficient blank space below each bond recorded or copied at length, where he shall enter the date when and the name and residence of the person to whom each bond is negotiated, date and amount of interest paid thereon, and also the payments of the principal, and the interest coupons and bonds paid by him shall constitute his

vouchers and legal evidence of payment made by him under this act. And said court of county commissioners shall keep a complete record of all expenditures the said court house and jail, and they shall at each regular term examine the books, accounts and items of expenditures, together with the vouchers to sustain the credit side thereof of the county treasurer, and the coupons and bonds which are found to be correct vouchers shall be destroyed by order of said commissioners court, as soon as the same are allowed.

SEC. 5 Be it further enacted, That the court of county commissioners of said county are further authorized and empowered, and it shall be their duty to levy a tax upon the taxable property within said county for the payment of the principal of said bonds negotiated, in their discretion, not less than one twentieth nor more than one tenth of the par value of the aggregate amount of said bonds, for the payment of principal for any one year, and a sufficient amount to pay the annually accruing interest upon said bonds negotiated and outstanding, and for failure to make such levy of tax the said commissioners, individually and personally, shall be liable to any bona-fide holder of any such bond or bonds, for all such damages as he may sustain by the willful or wrongful failure of any or all of said commissioners to make such levy; and for any willfull failure or refusal upon the part of any county commissioner of said county to levy such tax, or who shall willfully and corruptly misapply or appropriate to his own or any other use than that provided in this act, any of said bonds or money; and any other person who shall embezzle, steal or wrongfully appropriate to his own use or the use of another, any of said bonds or the proceeds of the sale thereof, shall be deemed guilty of a felony, and upon conviction thereof shall be imprisoned in the penitentiary, or sentenced to hard labor for the county for not less than one nor more than five years.

Tax to pay interest and principal.

Penalty for misapplicati'n

SEC. 6. Be it further enacted, that the bonds provided for by this act shall be transferable by endorsement in writing thereon; and the court of county commissioners may, in their discretion, levy annually a sinking fund tax for the ultimate payment of said

Sinking fund.

bonds; and may invest the same in said bonds or other safe interest-bearing securities; but such tax shall not in any one year exceed ten per centum of the whole amount of bonds sold. This act shall be in force from and after its approval.

Approved November 28, 1888.

No. 149.] AN ACT [H. B. 104

To authorize the town council of Jacksonville, Alabama, to prohibit the running at large of hogs within the incorporate limits of said town of Jacksonville.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the town of Jacksonville, be and the same are hereby authorized and empowered to prevent the running at large upon the streets within the corporate limits of said town of Jacksonville, Alabama, alt dogs and hogs, and pass all laws, in the judgment of said mayor and council, for the sale and impounding of said animals, upon public notice being given five days before the sale of said stock.

To prevent dogs and hogs running at large.

Approved December 1, 1888.

No. 150.] AN ACT [H. B. 34

To repeal an act entitled an act to regulate the trial of misdemeanors in the county of Macon, and to provide for the transfer of certain cases now pending and undisposed of to the circuit court.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to regulate the trial of misdemeanors in the county of Macon, approved February 23, 1883, be and the same is hereby repealed.

Trial of misdemeanors in Macon county.

SEC. 2. Be it further enacted, That all cases pending and undisposed of in said county court, in which trial by jury have been demanded, or in which appeals

have been taken from the judgment of said county court, to a jury under said special act, regulating the trial of misdemeanors in Macon county, shall be transferred to the circuit court of said county, and the clerk of said county court is hereby required to turn over to the clerk of the circuit court, all papers relating to such cases, and the said cases shall be docketed by said clerk and all process necessary for the trial of said cases issued by him, returnable to the next ensuing term of said circuit court.

SEC. 3. Be it further enacted, That all other cases pending in said county court at the passage of this act, shall be tried and disposed of by the judge of the county court of said county, under the general law regulating the trial of misdemeanors.

Approved December 1, 1888.

No. 151.] AN ACT [H. B. 48

To amend sections 3 and 9 of an act entitled an act to more effectually secure competent and well qualified jurors in the county of Montgomery, approved February 21, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sections 3 and 9 of an act to more effectually secure competent and well qualified jurors in the county of Montgomery, approved February 21, 1887, be and they are hereby amended so as to read as follows : That section 3 be amended so as to read as follows: That said commissioners, at such meeting, shall select from the male residents of the county, over twenty-one and under sixty years of age, the names of all such persons, not exempt from jury duty, as in their opinion are fit and competent to discharge the duties of grand and petit jurors, with honesty, impartiality and intelligence. Said commissioners shall prepare a list of the names so selected, stating thereon the place of residence and occupation of each person, if known to them, and shall file one certified copy of such list in a sealed envelope in the office of the judge of probate and one certified copy of such list in the

Selection of grand and petit jurors of Montgomery county.

office of the sheriff of said county, within six days after making said selection, and said board of jury commissioners are authorized to allow the member doing the clerical work in preparing and filing and drawing the juries required, such compensation as they may deem proper and just. It shall be the duty of the judge of probate to keep the list so filed in said office securely and not allow the seal of such envelope to be broken or such list to be inspected by any one, save said commissioners, unless by an order of the judge of the circuit or city court. It shall be the duty of the sheriff to keep securely, the said list filed in his said office and to allow said list to be inspected by no person save said commissioners, except; when in performance of the duties required of him by section 9 of this act, and then only by himself or his sworn deputy

Filling vacancy in juries.

SEC. 2. That section 9 be amended so as to read as follows: That out of the grand jurors so summoned and attending, the court shall organize a grand jury in the manner now provided by law, and out of the persons summoned as petit jurors and attending, the court shall organize two petit juries of twelve men each. If a sufficient number of those summoned for grand or petit jurors shall not attend when such juries are to be organized, or a vacancy from any cause occurs in such juries, or by reason of challenges the number on any petit jury is reduced below twelve, the court shall order the sheriff to summon from the qualified jurors of the county, the number of persons necessary to complete such jury ; and it shall be the duty of the sheriff of said county when required to summon any juror or jurors under this section, to summon as such persons only as possess the qualification of jurors as declared by law, and who have been selected as qualified jurors by said commissioners, and whose names appeal on the list filed by them in the office of the sheriff, but it shall be unlawful for him, except when a juror or jurors are ordered as talesman to try a particular case, to summon as such juror any bystander in the court house or any person who he may have reason to believe is desirous of being summoned on such jury ; and if any sheriff or deputy sheriff knowingly summons or permits to be summoned any person to serve as a juror who does not

possess the qualifications prescribed by law, he is guilty of a misdemeanor, and on conviction, shall be fined not less than fifty and not more than one thousand dollars.

Approved December 4, 1888.

No. 152.] AN ACT [H. B. 1

To repeal an act entitled an act "to confer additional jurisdiction upon the county court of Chambers county, and to regulate the proceedings therein," approved February 26, 1887, and to provide for the disposition of certain cases now pending in the county court of Chambers county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the act entitled an act "to confer additional jurisdiction upon tlie county court of Chambers county, and to regulate the proceedings therein," approved February 26,1887, be and the same is hereby in all things repealed : Provided, that all criminal cases commenced by indictment now pending in said county court, and all civil cases now pending in said court, shall be transferred to the circuit court of Chambers county, and shall be placed on said circuit court docket for trial, and the clerk of said county court shall certify all minutes and docket entries in such cases, together with the original papers in such cases to said circuit court, which certificate shall be attested by the judge of said county court; and the said certificate and placing said cases in the circuit court dockets shall be all that is necessary to constitute the transfer as contemplated by this act; Provided further, that executions on all judgments which have been obtained in said county court may be issued by the clerk of circuit court of Chambers county, which executions when issued shall have the same force and effect as executions issued on judgments in the circuit court.

Disposition of certian criminal and civil cases in Chambers county.

Approved December 4, 1888.

No. 153.] AN ACT [H. B. 57

To divide the county of Mobile into three revenue and road commissioners districts, and to provide for the election of revenue and road commissioners therein.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county of Mobile is hereby divided into three revenue and road districts, numbered and composed of the territory as below stated.

County of Mobile divided into three revenue and road districts.

First District.—The first district is to be composed of the territory in said county embraced within the precincts now existing and known by number and name as follows: Precinct number 9, Whistler and Storrs' Store; precinct number 10, Korters'; precinct number 11, Napoleonville; precinct number 21, Red Store ; precinct number 23, Thomas' Store ; also all of the territory embraced within the corporate limits of the city of Mobile, and that part of the county adjacent thereto, the inhabitants of which vote at any of the polling places in the city of Mobile at State and county elections.

Second District.—The second district is to be composed of the territory in said county embraced within the precincts as now existing and designated and known by number and name as follows : Precinct number 7, Albritton; precinct number 1, Citronelle; precinct number 2, Mount Vernon ; precinct number 3, Beaver Meadow; precinct number 4, Ulrich's ; precinct number 5, Creola; precinct number 6, Mauvilla and Chunchula; precinct number 8, Carver's, and precinct number 20, Steeley's Store.

Third District.—The third district is to be composed of the territory in said county embraced within the precincts as now existing and designated and known by number and name as follows: Precinct number 12, Spring Hill; precinct number 13, Wheelerville ; precinct number 14, McGill's ; precinct number 15, Grand Bay and Union Church; precinct number 16, St. Elmo; precinct number 17, Fowl River; precinct number 18, Bayou La Batre ; precinct number 19, Cedar Point and Dauphin Island, and precinct number 22, Baird's Mill.

SEC. 2. Be it further enacted. That at the State and county elections in August 1892, three revenue and

road commissioners for said first district shall be elected by the qualified electors of the district, for the term of two years, and that thereafter such commissioners shall be so elected for the term of four years ; and that one revenue and road commissioner for each of said second and third districts, shall be elected by the qualified electors of said respective districts for the term of four years, and that thereafter such commissioners shall be so elected for the term of four years ; and each of said commissioners so elected must at the time of his election and while he holds such office be a qualified elector in his district, and his removal therefrom shall vacate his office.

Commissioners; terms of office; how and when elected.

Approved December 4,1888.

No. 154.] AN ACT [H. B. 5

An act to form a separate school district to be known as Salitpa school district in Clarke county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a separate school district in Clarke county, be and is hereby created out of parts of township eight, range one, west; township eight, range one, east; township seven, range one, west; township seven, range one, east; as embraced in the following boundaries : Beginning where Jackson creek empties into the Tombigbee river, thence up said creek to Taltillaba creek, thence up Taltillaba creek to centre line of the sixteenth section of township eight, range one, east, thence west along said line to Cantouchee creek, thence down said creek to the Tombigbee river, thence down said river to Jackson creek, the point of starting.

Salitpa school district in Clarke county,

SEC. 2. Be it further enacted, That the county superintendent of education of Clarke county, shall appoint a superintendent for said Salitpa school district and that said district shall receive its pro rata of all public school revenues, and shall be managed and controlled as prescribed by law for other school districts in said county.

SEC. 3. That the provisions of this act shall take effect January 1, 1889.

Approved December 4, 1888.

No. 155.] AN ACT [H. B. 100

To create a separate school district in Blount county, Alabama, known as the Blount Springs district.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a separate school district is hereby created, composed of parts of township twelve (12), range (2) west, township twelve (12) range three (3) west, township thirteen (13), range two (2) west, and township thirteen (13), range three (3) west, within the following lines, viz: Beginning at the north east corner of section thirty-two (32), township twelve (12), range two (2), west, thence south with section line, one and one half miles to the old Elyton public road, thence in a southwestern direction with said Elyton road, to the range line between range two (2) and range (3), thence south to the southeast corner of section thirteen (13), township thirteen (13), of range three (3) west, thence west one mile to the southwest corner of section thirteen (13), township thirteen (13), range three (3) west, thence north to the northwest corner of said section thirteen (13), township (13), range three (3) west, thence west one-half mile, thence north through the middle of sections eleven and two to the Mulberry river, thence up said river to the northern line of section thirty-one (31), township twelve, range two (2) west, thence east to the beginning.

Blount Spri'gs school district in Blount county.

SEC. 2. Be it further enacted, That all the public school laws now in force in this State, in reference to conducting schools, and distributing the public school funds shall apply to said school district; Provided, this act shall not take effect until October the first, 1889.

Approved December 4, 1888.

No. 156.] AN ACT [H. B. 13

To provide for funding and paying the legal debts of Selma, created prior to December 6, 1875.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be lawful for the municipal cor- New bonds. poration of Selma, to issue new bonds in lien of those outstanding which were given for debts created prior to the 6th day of December, 1875, and which are valid subsisting legal debts of said municipal corporation, made prior to said 6th day of December, 1875, and remain unpaid, the said bonds to be issued as hereinafter provided.

SEC. 2. That the mayor and council of Selma, are, How to be prehereby authorized and empowered to prepare and issue pared, and disbonds in such sum as not to exceed the total amount of posed of. such indebtedness, and upon such time, not exceeding thirty years, and bearing interest not exceeding four per cent. per annum, and payable at such place as they may designate, and when so issued said bonds shall be delivered to the sinking fund commission of Selma, to be by them issued and exchanged for any bonds or other evidence of indebtedness, which were legally created prior to the 6th day of December, 1875, and which remain valid and subsisting debts against the city of Selma or or Selma. The said sinking fund commissioners shall have full power and authority to sell any or all of said new bonds issued as above provided, and to use the proceeds of such sale in retiring or paying any or all outstanding bonds or other evidences of debt, created as aforesaid, and for no other purpose, whatsoever, but said bonds shall not be sold or negotiated for less than par value and only for the purpose aforesaid. All bonds issued under the provisions of this act shall be signed by the mayor of Selma, bear the impress of the corporate seal of Selma, attested by the city clerk, and shall be countersigned by the sinking fund commissioners, and shall show upon their face that they are issued under this act, and the purpose for which they are issued ; and such new bonds issued hereunder shall not be for a greater sum in the aggregate than the principal and accrued or earned interest unpaid, of such outstanding bonds or of the judgments and interest thereon, and cost thereof, where judgments have been rendered on any past due bonds or

coupons which were issued for a debt created prior to the said 6th day of December, 1875.

Clerk of Selma to register bonds in book, etc.

SEC. 3. That when said new bonds are prepared and ready to be delivered to the sinking fund commissioners, as above provided, the clerk of Selma shall make a register of said new bonds in a book to be kept for that purpose, showing the date, amount, number, rate of interest, date of maturity and place of payment, with sufficient space opposite to or below the record of each bond to enter the payments of coupons thereof as they are paid, and shall take from said sinking fund commissioners in said book, a receipt for every bond therein registered and delivered to said commissioners. Said register shall also have appropriate space or spaces near the record of each bond, upon which the sinking fund commissioners shall enter the name of the person to whom said bond is issued and for what bond or debt the same was exchanged or issued. The said sinking fund commissioners shall, upon the surrender of any old bonds taken up or paid by them, have the word "cancelled" cut through the body of said bond or other evidence of debt, and shall have written. thereon the name of the person who surrendered said bond, the date of surrender and the number of the new bond issued in lieu thereof, and shall have a register of all said cancelled bonds made and kept by the clerk of Selma. That when all of the new bonds authorized by this act have been issued and the register thereof has been completed as hereinbefore required, the clerk of Selma shall make a correct and complete copy thereof and file the same in the office of the Auditor of the State of Alabama.

Copy of register to be filed in State Auditor's office.

City bond tax; rate and disposition of same.

SEC. 4. It shall be the duty of the mayor and council of Selma to levy and collect as other taxes are levied and collected, a tax on all taxable property and subjects of taxation within the corporate limits of Selma, which shall be designated as the "city bond tax," and paid over on the day it is collected to the sinking fund commissioners, or deposited to their credit in such bank in Selma as they may designate from time to time. The rate of taxation shall not exceed one per cent per annum, or should a less rate than one per cent per annum cover the interest due and to be paid as agreed, together with the cost of collecting the same, then it shall be discretionary with the mayor and council to levy less than one per cent for five

years, and for the sixth year after the date of said bonds it shall be the duty of said mayor and council to levy and collect the amount of one per cent per annum on all taxable property and subjects of taxation, unless by reason of increased valuation a less rate than one per cent per annum will equal the amount of interest due and to be paid, the cost of collecting, and in addition a sum not less than fifteen thousand (15,000) dollars per annum for a sinking fund to be used by said commissioners in the redemption of the principal of said bonded debt, and for no other purpose whatsoever.

Proceedings to collect bond tax if mayor and council fail to provide for same.

SEC. 5. In the event the mayor and council should fail or refuse to levy the "city bond tax," as hereinbefore provided, and should fail or refuse to provide for its proper assessment and collection and should remain in default until the first day of August of any year, and shall not have provided the funds necessary to pay said interest, then upon the application of any tax payer of Selma, or the holder of any of said bonds, to the judge of the circuit court of Dallas county, a peremptory order from said judge shall issue to the probate judge of Dallas county, whose imperative duty it shall be within ten days from the receipt of said order to make out and send to the auditor of the State of Alabama, to be filed in his office, a certificate showing the total valuation of all taxable property, and subjects of taxation of every kind within the corporate limits of Selma, as shown by the assessment of that year for State taxation. If said judge of probate fail or refuse to make such certificate he shall be guilty of a misdemeanor, and on said refusal or failure then the mayor or any councilman of Selma, or any tax payer or bondholder thereof may make and forward said certificate under oath. It shall be the duty of the State auditor, on receipt of said certificate of valuation to direct the assessor of Dallas county to assess all taxable property and subjects of taxation, within the corporate limits of Selma, in such a rate fixed by said auditor, not to exceed one per cent per annum, as will be sufficient to pay the interest and the cost of assessing and collecting the same. Said assessor shall enter upon the lists of every tax-payer of Selma, of that year, this assessment thus made by him for the "Selma bond tax," and the auditor shall order and direct the tax collector of Dallas county, to collect the "Selma bond tax" thus assessed, at the same time and in

the same way, as he collects the State and county tax, and said assessor and collector shall be entitled to the same compensation as they would receive for the like service performed by them for the State of Alabama. It shall be the duty of said tax collector to keep a separate account of the "Selma bond tax," collected by him, and pay the same over to the treasurer of Alabama in the same manner and at the same time that he pays the State taxes, and the auditor and treasurer shall each keep a separate account thereof. All laws for enforcing the collection of State taxes shall apply to the collection of said bond tax. Should the default provided for above occur before the elapse of five years from the date of said bonds, then it shall be necessary to obtain said order from the circuit judge, and in all things to comply with the requirements of this section every year till the close of the fifth year, but in the sixth year and every year thereafter, and in case the default occurs in or after the sixth year, the assessor of Dallas county will assess a tax of one per cent per annum upon all taxable property and subjects of taxation within the corporate limits of Selma, and the tax collector of Dallas county will collect said bond tax without further order every year till all of the bonds issued hereunder shall have been paid.

State is only custodian, and not liable; how interest to be paid.

SEC. 6. The State of Alabama shall be deemed only the custodian of the taxes collected under this act which are paid to the State treasurer, and shall not be liable, in any manner, for the payment of said bonds or the interest thereon, but the tax which shall be collected hereunder and paid to the State treasurer, is hereby pledged and appropriated to the payment of the interest and principal as herein provided, of the bonds issued hereunder, and the faith of the State is only pledged hereby to apply all of the "Selma bond tax," which may be collected under the provisions of this act and paid into the State treasury to the payment of the principal and interest of said bonds until the same are paid. It shall be the duty of the State treasurer, before the first days of January and July of every year, to transmit to the place of payment of said interest a sum, if in his possession, belonging to said "Selma bond tax," sufficient to meet the interest to become due on said bonds, on said days, and shall take from the bank at which such interest is to be paid, a receipt for such payment, and shall have returned

to him the coupon paid, which he shall deliver to the sinking fund commissioners of Selma, taking their receipt therefor. The sinking fund commissioners shall enter the payment of every coupon on the register of bonds at the proper place, opposite or near to the record of the bond from which said coupon was cut, and then burn said coupon.

Residue payable to sinking fund commissioners.

SEC. 7. That at the end of every year the auditor of the State of Alabama shall draw his warrant on the State treasurer, payable to the sinking fund commissioners of Selma for the residue of said "Selma bond tax fund," remaining in said treasury, after paying all the interests and cost of paying interest, which sum said commissioners shall use in paying and redeeming any of the bonds issued hereunder, in the manner required by law.

Fees for collecting, etc.

SEC. 8. That there shall be retained by the officers collecting and disbursing this fund the same fees and commissions allowed by law for like services performed for the State, and all laws relating to the payment of the interests on the State debt and collection of State taxes, not inconsistent with this act, shall apply to the receipt, custody and disbursment of the taxes provided for in this act.

Bonds and coupons received by city as money.

SEC. 9. That all bonds and coupons upon the bonds issued hereunder shall be received in payment of any and all taxes, dues and debts, fines and forfeitures, due the municipal corporation of Selma, except licenses, and the bonds issued hereunder shall be exempt from county and municipal taxation.

Proceedings to levy and collect tax to pay old debts.

SEC. 10. That not less than ten councilmen shall constitute a quorum to assess, levy and collect any tax for the payment of the debts of the city of Selma, created prior to the 6th day of December, 1875, or any part thereof, nor shall such tax be assessed, levied or collected, unless at least two-thirds of such quorum shall vote therefor by yeas and nays, and the name of those voting for or against shall be recorded with the proceedings of the mayor and council, in a book kept for that purpose. Provided, however, that the foregoing provisions of this section shall not apply to the assessment, levy or collection of any tax for the payment of the bonds issued under authority of this act, or the interest thereon.

SEC. 11. That an act to amend the charter of Selma, a municipal corporation in Dallas county in this State,

approved December 11th, 1886, be and and the same is hereby repealed.
Approved December 7, 1888.

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No. 157.] AN ACT [H. B. 94.

To amend an act to regulate the fees of officers of court against the fine and forfeiture fund of Wilcox county.

Fees of certain officers.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act to regulate the fees of officers of court against the fine and forfeiture fund of Wilcox county, approved February 14, 1885, be and the same is hereby amended so aa to read as follows : That all claims of the sheriff, clerk of the circuit and county courts, and solicitors, against the fine and forfeiture fund of Wilcox county shall be one hundred per centum of the fees now allowed by law.
Approved December 4, 1888.

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No. 158.] AN ACT [H. B. 93

To increase the pay of the county commissioners of Washington county.

Pay of county comm'rs.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the county commissioners of Washington county shall be entitled to three dollars and fifty cents per day and five cents a mile for traveling to and from the sitting of the court.
Approved December 4, 1888.

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No. 159.] AN ACT [H. B. 107

To repeal an act entitled an act to regulate the keeping of dogs or animals of the dog kind in the county of Cherokee, approved February 28,1887.

SECTION 1. Be it enactrd by the General Assembly of Alabama, That an act entitled "an act to regulate the keeping of dogs, or animals of the dog kind, in the county of Oherokee," approved February 28, 1887, be and the same is hereby repealed. Dog law repealed.

Approved December 4, 1888.

No. 160.] AN ACT [H. B. 19

To repeal an act entitled an act to authorize an election to prohibit the sale, giving away or otherwise disposing of, for gain, spirituous, vinous, or malt liquors, or intoxicating bitters, and the manufacture thereof within the county of Jackson.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled "an act to authorize an election to prohibit the sale, giving away, or otherwise disposing of, for gain, spirituous, vinous or malt liquors, or intoxicating bitters, and the manufacture thereof within the county of Jackson," approved December 9, 1884, be and the same is hereby repealed. Prohibition election law repealed.

Approved December 4, 1888.

No. 161.]. AN ACT [H. B. 53

To incorporate the Spring Hill Female Academy.

SECTION 1. Be it enacted by the General Assembly of Alabama, That E. H. Wilmer, Louis Stein, Geo. E. Sage, Wm. E. Gordon, E. K. "Warren, Samuel J. Marston, Frank Stilp, James E. Burgett, and H. Austill, and their successors, are hereby made a body, corporate under the name of "The Spring Hill Female Academy," and by that name may sue and be sued, contract and be contracted with, may have, use and change a corporate seal. Corporators.

SEC. 2. Be it further enacted. That the Spring Hill Female Academy shall be governed by a board of trustees, composed of the persons named in the first Trustees to manage

section of this act, and such board is authorized to fill any and all vacancies that may occur, by electing some other person from among the stockholders, to fill such vacancy. Such board of trustees are authorized to elect a president from among their number, and such other officers as they may find necessary, and may adopt such by-laws, for the government of the academy, as may be required.

Property. SEC. 3. Be it further enacted. That said board of trustees may receive and hold any personal or real property for the use of said school, whether acquired by purchase, gift or inheritance, and may sell the same when it may be to the interest of said academy.

Teachers. SEC. 4. Be it further enacted. That said board of trustees may establish a female academy at Spring Hill, Mobile county, may employ such professors and teachers as they may deem necessary, and shall fix and prescribe the duties of such teachers and professors.

Capital. SEC. 5. Be it further enacted. That the capital stock of said corporation shall be five thousand dollars ($5,000.00), divided into shares of fifty ($50.00) dollars each, but such capital stock may be increased to as much as fifty thousand dollars ($50,000.00).

Diplomas. SEC. 6. Be it further enacted. That the board of trustees, of the Spring Hill Female Academy, are authorized to grant diplomas, and to cor for all the degrees of literary distinction awarded by the highest female educational institutions.

Approved December 7, 1888.

No. 162.] AN ACT [H. B. 58

To prohibit the sale or giving away of vinous, spirituous or malt liquors, or intoxicating bitters or beverages, in Warrenton, Beat No. 14, Marshall county.

Liquor prohibition. SECTION 1. Be it enacted by the General Assembly of Alabama, That any person who sells, gives away, or otherwise disposes of vinous, spirituous or malt liquors, or intoxicating bitters or beverages, in Warrenton, Beat No. 14, Marshall county, shall be guilty of a misdemeanor, and, upon conviction, shall be fined

not less than fifty dollars for each offense ; Provided, That this act shall not apply to regularly practicing physicians, who use the same in their prescriptions for sick patients only, or the use of wines for sacramental purposes. Exceptions.

Approved December 7, 1888.

No. 163.] AN ACT [H. B. 70

To amend section 1422 of the Code of Alabama of 1886, so far as the same relates to Randolph county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1422 of the Code, so far as the same relates to Randolph county, De and the same is hereby amended so as to read as follows :

Section 1422. Mode of warning hands.—The mode of warning hands is for the overseer, or some other person appointed by him, to give one day's notice in person, or in writing to be left at the residence, to all persons liable to work, to meet at such time and place as the overseer of the road may appoint, and with such tools as he may direct. Working on roads.

Approved December 7, 1888.

No. 164.] AN ACT [H. B. 114

To incorporate the Eutaw Female College, in the town of Eutaw, Greene county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That John R. Taylor, Joseph P. McQueen, William Smaw, Robert P. Schoppert, Gustave Braune, John R. Hill, John T. Brodnax, William H. Perrin, D. Walter Duncan, Ezra T. Bonchell, Thomas W. Roberts, Fred B. Loftin, Edward C. Meredith, Benj. Cohen, Thompson C. Hawkins, Fred Reese, and David Kyles, and their associates and successors in office, be and they are hereby constituted a body corporate by the name and style of "The Eutaw Female College," and Corporators

Powers. by that name shall have full power and authority to have and use a common seal, and the same to break, alter or amend at pleasure, to sue and be sued, to receive subscriptions for stock and gifts, and donations, and to make purchases of real and personal estate, which shall inure to them and their successors forever, and to sell and dispose of the same when it may be deemed expedient; Provided, The same do not exceed the value of twenty-five thousand dollars ; and to grant certificates or diplomas, or such other evidence of scholarship as they may prescribe, and further to pass such by-laws, rules and regulations, as the said corporation may deem essential for the government of the same ; Provided, That such by-laws, rules and regulations be not repugnant to the laws and constitutions of this State, or those of the United States; Provided, That the trustees, officers or agents of said corporation shall not have power or authority to contract or in any manner become liable for the payment of any amount, debt or obligation so as to in any manner bind or make liable the property, real or personal, of said corporation, unless by a unanimous vote of all the stockholders of said corporation, taken at a special meeting of said stockholders, called for that purpose after five days notice, the proceedings of which meeting and vote shall be spread upon the minutes of said corporation, it shall be decided to contract an indebtedness, binding property of said corporation, in which event the obligation therefor shall be signed by the president and secretary of the board of trustees.

SEC. 2. Be it further enacted, That as soon after the passage of this act as convenient, the said persons or a majority of them shall assemble and organize by electing five of their number trustees of said Eutaw female College, and said trustees shall elect one of their number as president and another secretary, and all such other officers as may be necessary, and desirable, and said president, secretary and other officers shall hold office until the next annual election of trustees, and said board of trustees for said college shall be annually thereafter elected at suoh time and in such manner as the stockholders may prescribe and direct.

Trustees officers, etc.

SEC. 3. Be it further enacted. That said trustees and

their successors shall have power to establish and continue in the town of Eutaw, Greene county, Alabama, a high school for girls and boys, if they so decide, under such rules, regulations and conditions as may be deemed necessary by them under the power that has been or may be granted to them by the stockholders in said Eutaw Female College. Powers of trustees.

SEC. 4. Be it further enacted. That the stock of said corporation shall be divided into shares of one hundred and ten dollars each, and said board of trustees shall be and they are hereby authorized to issue certificates of stock to the original subscribers for the said stock, for the amount respectively subscribed for purchasing and improving the corporate property, said certificates to be signed by the president and secretary of said board; Provided, that the stock issued shall not exceed in aggregate twenty-five thousand dollars, and shall only be issued for property actually acquired by purchase for the corporation and for permanent improvements made upon said corporate property, and said stock shall only be issued upon a resolution passed by said board of trustees at a regular meeting. Stock.

SEC. 5. Be it further enacted, That the stock of said corporation shall only be transferable by indorsement in writing signed by the owner and holder thereof and which transfer shall be spread upon the minute book of the corporation.

SEC. 6. Be it further enacted. That so long as the property, real and personal, of said corporation shall be used for purposes of education, the same shall be exempt from taxation of any kind. Exempt from tax.

SEC. 7. Be it further enacted. That when any vacancy occurs in said board of trustees, by death or otherwise, the same may be filled by a majority of the remaining trustees. And that a majority of said board of trustees shall be competent to transact all business pertaining to said corporation, and their acts shall be as valid and binding as if the whole board were present. Vacancies.

Approved December 7, 1888.

No. 165.] AN ACT [H. B. 92

To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors or intoxicating bitters or beverages within five miles of Day's Gap, Walker county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or intoxicating bitters or beverages within five miles of Day's Gap, Walker county; Provided, that the provisions of this act shall not be so construed as to prevent the use of wines for sacramental purposes in said limits.

Liquor prohibition.

SEC. 2. Be it further enacted, That any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than fifty nor more than one hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county for a term not exceeding six months, one or both, at the discretion of the court or jury trying the same.

Penalty.

Approved December 7, 1888.

No. 166.] AN ACT [H. B. 168

To punish persons who take by net or poison fish in Big Limestone Greek in Limestone county.

SECTION 1. Be it enacted by the General Assembly of Alabama. That any person or persons who takes fish by net or poisons fish in Big Limestone Creek, must on conviction be fined not less than fifty dollars, one half of the fine to go to the informer, and the balance to be paid into the common school fund of the township in which the offense was committed for the benefit of the common schools of said township. But the word net shall not mean seine in this act; and in addition thereto shall forfeit the net so used, and it shall be the duty of any magistrate on information to issue a process to

Protection of fish.

any properly authorized officer to seize and sell the same after giving legal notice.

Approved December 7, 1888.

No. 167.] AN ACT [H. B. 142

To enforce the closing of gates upon the public roads and roads running through stock farms in Marengo county.

Gates on pulic roads.

SECTION 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act it shall be the duty of any person or persons passing through gates upon the public roads of Marengo county, established by order of the commissioners court of said county, or passing through gates upon roads running through stock farms in said county, to close the same after them, and upon failure to do so shall be guilty of a misdemeanor, and upon conviction be fined not less than ten dollars nor more than fifty,

Fine.

SEC. 2. Be it further enacted. That any person or persons convicted and fined for violation of provisions of section one shall pay said fine into the county treasury.

SEC. 3. Be it further enacted. That justices of the peace and notaries public with similar power shall have Jurisdiction of all violations of this act.

Approved December 8, 1888.

No. 168.1 AN ACT [H. B. 62

To authorize the mayor and council of the city of Uniontown to issue bonds of said city for an amount not exceeding five thousand dollars, bearing eight per cent. interest, payable semi-annually, for the purpose of securing or providing said city with a bored well and erecting water works.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the city of

Bond. Uniontown be and they are hereby authorized to issue bonds of said city of Uniontown to an amount not exceeding five thousand dollars, or so much thereof as said board may deem necessary, for the purpose hereinafter named, in sums of one hundred dollars each, and payable at such time and place as said board may designate, not exceeding twenty years from the date thereof, and redeemable at the pleasure of said city, at any time after the period of five years, with coupons attached, bearing eight per cent. interest, and payable semi-annually to bearer.

Duties of officers. SEC. 2. Be it further enacted. That the bonds authorized to be issued under the provisions of this act, shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of said city shall be affixed thereto, and the said treasurer is required to keep a correct record of all the bonds issued under this act.

SEC. 3. Be it further enacted. That the said mayor and council of Uniontown are hereby empowered and authorized to do any and all things that may be necessary to carry out the powers hereby granted, either through themselves or by an agent or agents duly authorized or appointed by them, for that purpose, at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial papers, and that the bonds issued under this act shall be exempt from county and municipal taxes.

Not to be sold for less than par. SEC. 4. Be it further enacted. That the mayor and council of said city are hereby empowered and authorized to negotiate and sell such bonds as are issued by them, by virtue of this act, but said bonds shall not be sold for less than par (one hundred cents on the dollar) and the proceeds of said bonds shall be paid over to and kept by the treasurer of said city, and to be used and applied to the boring of a well in said city, and for the purpose of supplying its inhabitants with water, and erecting improvements thereabouts, and erecting water works in said city to convey the water through the same, such use, payment and appli-

cation of said proceeds to be under the direction and by authority of said board of mayor and council, and the treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds which may come into his hands in hia official capacity, the same as other city funds, or money in his hands as treasurer, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

SEC. 5. Be it further enacted, That it shall be unlawful for the said board of mayor and council, or any member thereof, or for any of the officers of said city of Uniontown to apply the proceeds of the sale of the bonds issued in pursuance of this act to any other purpose than hereinbefore specified.

Approved December 7, 1888.

No. 169.] AN ACT [H. B. 159

To provide for a vote of the people on the subject of a permanent location of the county site of St. Clair county,

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the sheriff of St, Clair county, to open and hold an election at the various precincts in said county, on the second Monday in February, 1889, to ascertain whether a majority of the legal voters in said county are in favor of the removal of the seat of justice of said county from Ashville, its present location. The said sheriff shall give at least thirty days notice in writing or printing and posting up at the court house door and at the place of voting in each of the election precincts, and shall provide for the holding of said election, making returns and ascertaining the results in the same manner and under the same restrictions as are or may be provided by law for the election of members of the general assembly, and under all the pains and penalties for failures to perform the duty as required by the general election law of the State.

Elections for county site of St. Clair.

SEC. 2. Be it further enacted. That each voter shall

have endorsed in writing or printed on his ticket,
Kind of ticket. "Removal," or "No Removal," and if it appears on the ascertainment of the result that a majority of the voters, at said election have voted "No Removal," the effect of the said vote shall be the location of the said county site at Ashville; but if a majority of the votes are cast in favor of the removal then it shall be the
Further duties of sheriff. duty of the sheriff, in like manner, as before, to provide for a second election, to be held on the 3rd Monday of March, 18S8, following, at which, each voter shall have endorsed in writing or printed, the name of the place at which he desires the county site located ; and if upon ascertaining the result, any place thus named, shall have received a majority of all the votes cast in said second election, the effect shall be the location of the county site of said county at that place, for which the said majority voted—but if neither of the places voted for, shall have received a majority of the votes cast, then it shall be the duty of the said sheriff of said county to provide in all particulars, as in the former election, for a third election on the first Monday in May, following, 1889, at which the vote shall be cast as at the second election, only that the vote shall be taken as between the places which received the highest and next or second highest vote at the said second election, and the majority of the votes cast in the said third election in favor of one of the two places which had the highest and the next highest vote at the said second election, shall determine the question of the permanent location of the county site at the place having received the said highest vote.

SEC. 3. Be it further enacted. That if the seat of justice of said county shall be removed from Ashville
Power of county commissioners. and located at any other place by the election provided for in this act, the court of county commissioners shall have power to select the most suitable place in their opinion, for the erection of the public buildings within two miles of the place so named and selected by the votes cast at said election; Provided,, That the seat of justice shall remain at Ashville until the necessary public buildinga can be erected at said place voted for.

SEC. 4. Be it further enacted. That inspectors and clerks of the election provided for in this act, shall

receive no compensation for their services in holding said election.

Approved December 7,1888.

No. 170.] AN ACT [H. B. 95

To amend section 3945 of the Code of Alabama so far as the same applies to the counties of Lowndes, Dallas, Perry, Hale and Wilcox.

SECTION 1. Be it enacted lay the General Assembly of Alabama, That section 3945 of the Code of Alabama be and the same is hereby amended so as to read as follows :

SEC. 3945 (4179). Judges not to practice law.—Any judge of a court of record in this State who practices law in any of the courts of this State or of the United States, or who makes any abstract of land titles or writes deeds, mortgages, contracts or does any other professional work or service as an attorney during his continuance in office, must on conviction be fined not less than fifty nor more than five hundred dollars; Provided, That the provisions of this act shall apply only to the counties of Lowndes, Dallas, Perry, Hale and Wilcox.

Judges not to practice law; penalty for.

Approved December 7, 1888.

No. 171.] AN ACT [s. 47

To amend and ratify the charter of Selma Land Improvement and Furnace Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate name of the Selma Land Improvement and Furnace Company, a corporation heretofore on the 5th day of March, A. D. 1887, duly created and organized under and in accordance with the general corporation laws of this state, be and the same is hereby at the request of said corporation, changed to the "Selma Land Company;" and in and

Selma Land Co.

by the name last above mentioned, the said corporation is hereby clothed and. invested with, and may exercise all the rights, powers, privileges and franchises set forth in and conferred by its charter, that is to say, the articles of incorporation thereof on file and of record in the office of the judge of probate of Dallas county in this State ; and the said charter is hereby, in all things, ratified and confirmed.

SEC. 2. Be it further enacted. That said corporation, by its stockholders in convention assembled, or through its board of directors, be and the same is hereby authorized, from time to time, to reduce and decrease the capital stock thereof, as the interests of said corporation may require ; and in case of such reduction it shall be the duty of its board of directors to cause a certified statement of the date and amount thereof to be filed and recorded in the office of the judge of probate of Dallas county.

May reduce and increase stock.

SEC. 3. Be it further enacted. That said corporation, by authority of its board of directors, be and the same is hereby empowered to receive its own paid up capital stock, at not less than the par value thereof, in payment of the purchase money for lands and other property of said corporation; and the said capital stock, so acquired, may be retained as assets in the treasury of the corporation for the common benefit of its stockholders, or the same may be re-issued, or may be cancelled and retired, as said board of directors may determine.

May receive its stock for lands.

SEC. 4. Be it further enacted. That said corporation, by authority of its board of directors, be and the same is hereby empowered to compromise, adjust, cancel or release unpaid subscriptions to the capital stock thereof, as said board of directors may deem best in the interest of the corporation ; Provided, always, that nothing in the foregoing act contained, and nothing done in pursuance thereof, shall impair, or in any wise affect the rights of existing creditors of said corporation, if any such there be.

Unpaid subscription may adjust, etc.

Approved December 7, 1888.

No. 172.] AN ACT [H. B. 135

To prohibit the selling, bartering, exchanging or giving away of spirituous, vinous, or malt liquors, intoxicating bitters, or beverages nearer the Methodist church at Rogersville, Lauderdale county, than the beat line in every direction from said church.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the first day of January, eighteen hundred and eighty nine, it shall be unlawful for any person or persons, to sell, barter or exchange, or give away any spirituous, vinous, or malt liquors, intoxicating bitters or beverages, nearer the Methodist church at Rogersville, Lauderdale county, than the beat line in every direction from said church. Liquor prohibition.

SEC. 2. Be it further enacted. That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county, for not less than two months, at the discretion of the jury trying the same ; Provided, that this act shall not apply to social drinking in private houses and to wine used in taking the sacrament. Penalty.

Approved December 10, 1888.

No. 173.] AN ACT [H. B. 277

To authorize the county of Mobile to make and issue bonds to the amount of one hundred and sixty-nine thousand dollars, for the purpose of redeeming and retiring certain bonds of equal amount to become due.

Whereas, The county of Mobile has heretofore made and issued its bonds under and by virtue of an act of the legislature, approved February 16, 1867, for the sum of two hundred thousand dollars, thirty-one of which bonds, for one thousand dollars each, amounting to thirty-one thousand dollars, have been redeemed by

the county of Mobile, leaving 169 of said bonds amounting to one hundred and sixty-nine thousand dollars still outstanding and unprovided for, which bonds are payable on the first day of June, 1891, and it is now deemed expedient to authorize said county to make and issue new bonds, bearing a less rate of interest, for the exclusive purpose of raising money to pay off such old outstanding bonds, therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county of Mobile, by the board of

Bonds. revenue and road commissioners of said county, be and it is hereby authorized to make and issue new bonds of said county under the seal of the county, not exceeding in all the sum of one hundred and sixty-nine thousand dollars, each of said bonds to bear date of June. 1st, 1891, and to be for the sum of five hundred dollars, payable twenty years after date, at the office of the treasurer of said county, in the city of Mobile, with interest thereon at the rate of not exceeding six per cent., per annum, payable semi-annually either at some bank in the city of New York, or in the city of Mobile, as the said board of revenue and road commissioners may direct for which interest coupons may be attached to each of said bonds and signed by the treasurer of the county ; no such new bond shall be made except by order of the board of revenue and road commissioners, specifying the amount of bonds authorized to be issued not to exceed three hundred and thirty-eight of the total value of one hundred and sixty-nine thousand dollars, and interest on the records of the proceedings of said board ; said bonds shall be in such form as may be prescribed or approved by said board, and shall be numbered consecutively from one upward, and shall be signed by the president of said board, countersigned by the treasurer of said county, and sealed with the county seal affixed, and attested by the judge of probate of the county before being issued. The interest coupons of said bonds shall be in such form as may be prescribed or approved by said board, and shall be so numbered or marked as to show to which bond they were attached, and be signed by the treasurer of the county, and shall be receivable in payment of county taxes in Mobile county.

SEC. 2. Provided . That whereas, the

seal of the probate court of said county has been heretofore used. and recognized as the only seal of the county, it shall be deemed to be the seal of the county of probate. under the provisions of this act, and it shall be the duty of the judge of said probate court, on the order of said board of revenue and road commissioners for the making of such bonds, and the request of the president of the board to affix the seal to each of such bonds to an amount not exceeding in all the sum of one hundred and sixty-nine thousand dollars, and attest each such sealing by his signature as judge of probate of said county, and he shall make and keep in his office a written statement of the number, date and amount of each such bond. When so sealed the said judge shall deliver the said bonds to the treasurer of the county for the use of the county as herein provided, taking the treasurer's receipt for the same.

Duty of judge of probate.

SEC. 3. Be it further enacted. That the bonds hereby authorized to be made and issued shall be used by the said board of revenue and road commissioners exclusively for the purpose of being sold or negotiated, at not less than par, to raise money to be used only in paying the above mentioned old outstanding bonds with accrued interest thereon, if any there be. No such new bonds shall be sold or negotiated at less than par. The said board shall cause a separate account to be kept of the proceeds of such new bonds and of the disposal of such proceeds. It shall also cause all such old bonds and all interest coupons thereon, as may be paid off under the provisions of this act, to be forthwith cancelled in such manner as to destroy their negotiability without making them illegible, and to be kept for a reasonable time as vouchers.

How bonds to be used.

Old bonds.

SEC. 4. Be it further enacted. That it shall be the duty of the treasurer of said county to receive the bonds hereby authorized to be made for the use of said county, for the purpose herein specified, and shall dispose of the same only as the said board may authorize and direct. He shall countersign each such bond and sign each interest coupon thereto attached, as hereinbefore prescribed, before the bond is issued. He shall make in a suitable book, kept in his office, a statement of the number, date, time of payment, and amount of each such bond. He shall receive all such

Duties of county treasurer.

old bonds and coupons as are paid off or taken up under the provisions of this act, and promptly cancel the same in such manner as to destroy their negotiability without making them illegible, and shall keep the same a reasonable time as vouchers. He shall keep a separate account of the proceeds of such new bonds and of the use and appropriation of such proceeds, and shall make a written report thereof to the said board, from time to time, whenever required by said board so to do.

SEC. 5. Be it further enacted. That the bonds to be issued, as provided for by this act, shall be and are hereby exempt from county and municipal taxation.

SEC. 6. Be it further enacted. That all laws and parts of laws, general or special, contrary to the provisions of this act, be and the same are held to have no application to the bonds provided for by this act.

Approved December 12, 1888.

No. 174.] AN ACT [H. B. 165

To repeal an act to amend section 1630 of the Code of Alabama of 1876, as to the county of Wilcox, approved February 11, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to amend section 1630 of the Code of Alabama of 1876, as to the county of Wilcox, approved February 11, 1887, be and the same is hereby repealed.

Exemptions from road service.

Approved December 10, 1888.

No. 175.] AN ACT [H. B. 52

To prohibit the sale, giving away or otherwise disposof, spirituous, vinous or malt liquors, in McKinley beat, Marengo county, and Guntersville beat, Marshall county, and within five miles of the new brick school building in the town of Scottsboro, Jackson county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any person who shall give away, sell or otherwise dispose of spirituous, vinous or malt liquors in the limits of McKinley beat, in the county of Marengo, and of Guntersville beat, Marshall county, and within five miles of the new brick school building in the town of Scottsboro, Jackson county, Alabama, shall be guilty of a misdemeanor, and, upon conviction, must be fined not less than twenty nor more than five hundred dollars; Provided , This act shall not apply to social treating in the domestic circle in private dwelling houses, nor to wine used for sacramental purposes. Liquor prohibition. Penalty.

SEC 2. Be it further enacted, That the provisions of this act shall not go into effect until after the thirty-first day of December, 1888.

Approved December 10, 1888.

No. 176.] AN ACT [H. B. 126

To prohibit the sale, giving away or otherwise dispos ing of vinous, spirituous or malt liquors, intoxicating bitters or cordials, within three miles of Liberty Coosa Missionary Baptist church, and also Young's Chapel Methodist church, all in Etowah county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from the passage of this act it shall be unlawful for any person to sell, giveaway or otherwise dispose of any vinous, spirituous or malt liquors, intoxicating bitters or cordials, within three miles of Liberty Coosa Missionary Baptist church, and also Young's Chapel Methodist church, all in Etowah county, Alabama. Liquor prohibition.

SEC. 2. That any person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars. Penalty.

Approved December 10, 1888.

No. 177.] AN ACT [H. B. 6

To amend section four of an act to prevent stock from running at large in the several beats in Tallapoosa and Coosa counties, and to authorize an election thereon, approved February 26,1887, so that it shall not apply to resident citizens of Clay county, and of Goodwater beat, Coosa county, Alabama, nor to stock belonging to resident citizens of said county and beat.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section four of an act entitled an act to prevent stock from running at large in the several beats in Tallapoosa and Coosa counties, and to authorize an election thereon, be amended so as to read as follows:

Section 4. That for any damages done by stock running at large in such prohibited territory, the owner shall be liable to the injured party in twice the amount of the damage done, to be recovered by suit before any court having jurisdiction, and any such judgment secured shall be a lien on the stock so committing the damage, and the court executing the judgment shall enter therein an order that the officer executing the writ of execution on such judgment, shall seize and sell the said stock for the satisfaction of said judgment; Provided, That the provisions of this act shall not apply to resident citizens of Clay county, and of Goodwater beat, Coosa county, Alabama, nor to stock belonging to resident citizens of Clay county, and of Goodwater beat, Coosa county, Alabama, unless the stock law districts shall keep up a lawful fence along the line of said stock law districts

Owner of stock liable for double damages.

Approved December 10, 1888.

No. 178.] AN ACT [H. B. 101

To prohibit the sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors, within five miles of Village Springs Academy,

Blount county; within five miles of Townley Coal Mine, Walker county ; within five miles of Harkey's chapel, four miles of Deerman's chapel, precinct No. 6; Union church, precinct No. 5; Earley's chapel, precinct No. 5 ; Pleasant Hill church, precinct No. 4; or within five miles of Fishing Creek Methodist church, at Seddon, beat No. 11; in St. Clair county; and within four miles of Allen's Factory church, in Marion county ; and within five miles of Corinth church, in beat No. 15, and township 12, range 13, in Marion county; and within five miles of Wheeler's Chapel church, in Marion county; and within five miles of Camp Ground church, in Marion county ; and within the town of Guin, and within five miles thereof, in Marion county ; and within five miles of Townley's station, in beat No. 6, in Walker county; and within five'miles of Mount Zion church, in section 10, township 15, range 9, in Walker county ; and within three miles of Hopewell Baptist church, in Cullman county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after January 1st, 1889, it shall be unlawful for any person to sell, give away, or otherwise dispose of any spirituous, vinous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors, within five miles of the Village Springs Academy, Blount county ; within five miles of Townley Coal Mine, in Walker county ; within five.miles of Harkey's chapel, four miles of Deerman's chapel, precinct No. 6; Union church, precinct No. 5; Eailey's chapel, precinct No. 5; Pleasant Hill church, precinct No. 4; or within five miles of Fishing Creek Methodist church, at Seddon, beat No. 11, in St. Clair county ; and within four miles of Alien's Factory church, in Marion county ; and within five miles of Corinth church, in beat No. 15, and township 12, range 13, in Marion county; and within five miles of Wheeler's Chapel church, in Marion county; and within five miles of Camp Ground church, in Marion County ; and in the town of Guin, and within five miles thereof, in Marion county; and within five miles of Townley Station, in beat No. 6, in Walker county, and within five miles of Mount Zion church, in section 10, town- Liquor prohibition.

ship 15, range 9, in Walker county; and within three miles of Hopewell Baptist church, in Cullman county.

SEC. 2. Be further it enacted. That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars.

Penalty.

Approved December 10, 1888.

No. 179.] AN ACT [s. 21

To incorporate the Guntersville, Ft. Payne & Chatooga Valley Railroad Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Frank Y. Anderson, L. A. Dobbs, John Howard, S. E. Dobbs, W. E. Quin, H. B. Campbell, W. W. Dobbs and M. W. Howard, and their associates and successors, be and they are hereby declared and constituted a body corporate by the name and style of the Guutersville, Ft. Payne & Chatooga Valley Railroad Company, for the purpose of constructing a railroad from the town of Guntersville, in Marshall couty, Alabama, to Ft. Payne, in DeKalb county, Alabama, thence in an easterly direction to the Chatooga Valley in the State of Georgia.

Corporations.

SEC. 2. Be it further enacted, That the corporation hereby created, shall by that name sue and be sued in any of the courts of this State, have and use a common seal, have and hold real and personal estate, as the same may be necessary for the construction and use of said railroad, and the same to sell at pleasure, and to do all acts necessary and proper to effectuate the purposes of this grant, which a corporation may or can do.

Powers.

SEC. 3. Be it further enacted. That the capital stock of said corporation shall be one million dollars, and the stock heretofore subscribed to said company, under its provisional organization, shall be ratified upon the organization of said corporation under this charter, and for the purpose of securing the. residue of the capital stock of said corporation, the persons

Capital stock.

named in the first section of this act, or a majority of them, are hereby authorized to open subscriptions for stock, at such times and places as they may designate, and continue the same as often as may be necessary until the entire stock is subscribed. Subscriptions for stock may either be paid in money, labor or land, for the use of said railroad.

Directors.

SEC. 4. Be it further enacted. That the said corporation may organize by electing a board of directors, not to consist of less than five members, a president, secretary and cashier.

SEC. 5. Be it further enacted. That said corporation shall have the power, under the general laws of the State, to condemn lands for right of way, for said tracks, depots, section houses, water tanks, &c.

Approved December 10, 1888.

No. 180 AN ACT [s. 129

To provide for the election of mayor and councilmen of the town of Anniston.

Four wards.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the town of Anniston, be and it hereby is divided into fouf'wards as follows : The first ward shall embrace and include all that portion of the town of Anniston lying north of eleventh street and east of the East Tennessee, Virginia and Georgia railroad. The second ward shall embrace and include all that portion of the town of Anniston lying north of eleventh street and west of the East Tennesse, Virginia and Georgia railroad. The third ward shall embrace and include all that portion of the town of Anniston lying south of eleventh street and west of the East Tennessee, Virginia and Georgia railroad. The fourth ward shall embrace and include all that portion of the town of Anniston lying south of eleventh street and east of the East Tennessee, Virginia and Georgia railroad.

Registrars and registration.

SEC. 2. Be it further enacted, That immediately on the passage of this act the mayor of the town of Anniston shall appoint one registrar of elections for each, of said wards, who shall reside in the ward for which

he shall be appointed, and who shall on the second Monday next before each election provided for by this act, open in the ward for which he is appointed the registration books for that ward, and shall keep them open for six days thereafter between the hours of 9 a. m. and 5 p.m. on each of said six days and shall register all persons who will be qualified electors at the ensuing election in said ward, giving to each a certificate of registration. For his services each of said registrars shall receive two dollars per diem for each day employed in and about such registration.

SEC. 3. Be it further enacted, That on the first Monday in January, 1889, there shall be elected by the qualified and registered electors of each of said wards two councilmen who shall serve until the first Monday in April, 1891, and thereafter till their successors are elected and qualified, and at the same the qualified and registered voters, of the town of Anniston voting in the respective wards shall elect a mayor of said town, who shall serve until the first Monday in April, 1891, and thereafter until the election and qualification of his successor ; and on the first Monday in April, 1891, and on said first Monday every two years thereafter the qualified and registered electors of each of said wards shall elect two councilmen of said town, who shall hold office for two years and until their successors are elected and qualified ; and such electors at the same time shall elect a mayor of said town, who shall serve for two years and until his successor is elected and qualified. Councilmen must reside in and be qualified electors of the wards for and in which are respectively elected, and the mayor and councilmen shall have resided in the town of Anniston for two years next before the election, and should any councilman remove from the ward for which he is elected after his election, he thereby vacates his office.

Elections.

SEC. 4. Be it further enacted. That no person shall be allowed to register or vote unless he is a qualified elector of the State of Alabama and shall have resided in the ward in which he offers to register and vote for thirty days, and within said town of Anniston for three months next before the election.

Qualifications of voter.

SEC. 5. Be it further enacted. That immediately on

the passage of this act the mayor and council of the town of Anniston shall designate a voting place in each of said wards by ordinance entered on their minutes, and such voting place shall not thereafter be changed within thirty days of any election hereunder or otherwise than by ordinance entered on the record of the board. Voting places.

SEC. 6. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, to the extent of such conflict, be and the same are hereby repealed, but all provisions of all existing laws on the subject matter of this act not in conflict herewith, shall be and continue in full force and effect. Conflicting laws repealed.

Approved December 10, 1888.

No. 181.] AN ACT [s. 35

To ratify the consolidation of the Mobile, Hattiesburg and Jackson Railroad Company of Alabama and Mississippi under the name of the Mobile, Jackson and Kansas City Railroad Company, and to confer further powers on said consolidated company.

Whereas, The Mobile, Hattiesburg and Jackson Railroad of Mississippi, organized under a charter granted by the General Assembly of the State of Mississippi, approved March 7, 1888, and the Mobile, Hattiesburg and Jackson Railroad of Alabama, organized under a commission issued by the secretary of State of Alabama, on the 26th day of August, 1887, were consolidated by agreement of the directors of said companies, and ratified by the stockholders of said companies, under the statutes of Alabama, taking the name of Mobile, Jackson and Kansas City Railroad Company ; and

Whereas, The directors of the said company desire to secure some official recognition of the legal status of said consolidated company by the General Assembly of Alabama, and to secure franchises in addition to those obtained by incorporating under the general statutes of the State:

SECTION 1. Be it enacted by the General Assembly of Alabama, That the consolidation of the two railroad Consolidation confirmed.

companies, one organized under a charter granted by the General Assembly of the State of Mississippi by an act entitled an "act to incorporate the Mobile, Hattiesburg and Jackson Railroad Company of Mississippi," approved March 7, 1888, the other organized under the General incorporation of Alabama, pursuant to a commission issued by the secretary of State the 26th day of August, 1887, is now ratified and confirmed, and all rights, property and franchises owned by said two companies before such consolidation are now declared to be vested in the consolidated company, to-wit: The Mobile, Jackson and Kansas City Railroad Company.

Corporators.

SEC. 2. Be it further enacted, That O. F. Cawthon, Rufus Dane, Adam Glass, Win. H. McIntosh, H. Austill, John Kamper, S. 8. Robinson, B. Lernley, P. W. Peeples, M. Green, 0. W. Robinson, R. L. Saunders, and their associates be. and arc hereby constituted a body politic and corporate oy the name of the "Mobile, Jackson and Kansas City Railroad Company," and by that name may sue and be sued, may make and change a corporation seal, may make rules, regulations and by-laws for the management of such corporation not contrary to the laws of Alabama, may hold and acquire both seal and personal property for the use and purposes of said company by gift, devise, donation or purchase.

Powers.

Route.

SEC. 3. Be it further enacted. That said company is hereby authorized to survey, locate, and construct and operate a railroad with one or more lines from the city of Mobile, in a northwestwardly direction to the Mississippi State line, and in the same direction through the State of Mississippi according to franchises already obtained or which may hereafter be obtained from said State. And on such railroad the company is authorized to carry persons or property for hire, hut subject to regulation of rates by the laws of this State.

Branch roads, etc.

SEC. 4. Be it further enacted, That said company is authorized to build a branch road or roads from the city of Mobile to any point on the bay of Mobile or gulf coast of Mobile county with right to connect with other railroads in or near Mobile by belt line or otherwise ; and said company may build bridges, wharves, or piers to reach deep water in said bay or gulf and may construct fenders or breakwaters for safety of ships at such piers.

SEC. 5, Be it further enacted, That for the purpose

of constructing said railroad and branches, said company is authorized to lay out the same one hundred and fifty feet wide across lands of the State of Alabama, and to acquire a strip of land of same width from private parties by donation or purchase or to condemn the same pursuant4o the constitution and statutes of this State, made and provided for such cases. And for purpose of depots, shops, stations, wharves, and warehouses, and for cuttings and embankments, and for obtaining earth, stone, timber, or other material, may acquire or condemn as much more lands as the necessities of such road may, from time to time, require. Right-of-way

SEC. 6. Be it further enacted. That whenever the character of the company may require, the said railroad may acquire or condemn a right of way across or along the right-of-way of any other railroad for a consecutive distance of not exceeding ten miles.

SEC. 7. Be it further enacted, That the capital stock of said company shall he four millions of dollars. The capital stock shall be divided into shares of one hundred each, shall he deemed personal property and may be transferred in such manner and such places as the by-laws of said company shall direct. The stock of said company may be paid for with money, labor, or material. Capical stock

SEC. 8. Be it further enacted, That said company may purchase or lease and operate lines of steamships to run to and from the terminus of said road to other ports, within or without the United States, for transporting passengers and freights from and to the said road. Steamship lines

SEC. 9. Be it further enacted, That the corporate; power of said company shall be vested in a board of directors of not less than seven nor more than eleven, to be elected annually at such time as the by-laws may prescribe. They shall elect a president and such other officers as may be necessary, and shall fix the amount of bonds required. Said board of directors shall have power to require the subscribers to stock of said company to pay their subscriptions in such installments and such times as they may deem proper, and-may adopt such rule for the sale of stock of delinquents as will be just and equitable. Directors.

SEC. 10. Be it further enacted, That this company may borrow money for the purpose of carrying out the, objects of its charter, aod may make notes, bonds, or May secure loans.

other evidence of debt, and by vote of a majority of its stock, had at meeting called for the purpose by advertise ment in a newspaper published in the city of Mobile, for thirty days, may secure the payment of such evidences of debt, by mortgage or deed of trust on its franchises and any or all of its property, real or personal.

SEC. 11. Be it further enacted, That said company Telegraph lines may construct, and operate -telegraph lines along its right-of-way for its own use, and for public telegraph business ; but such right shall not exclude any other person or company from making same use of such right-of-way.

SEC. 12. Be it further enacted, That said company may purchase or lease the road-bed of any other railroad Other roads. or any portion of such other road whose line may be located in whole or in part along the line of its proposed route or branches ; or such company may, for the purpose of making through lines, make common stock, or any other lawful contract with any other road or roads.

Approved December 12, 1888.

No. 182.] AN ACT [H. B. 446

To fix the price of license to be paid for State and county purposes by any person who applies for license to retail or wholesale vinous, spirituous, or malt liquors in any part of beat number eight in Chambers county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That before the issuance of a license to any Liquor license in Beat Eight Chambers Co. person to retail vinous, spirituous or malt liquors, in it, any part of beat number eight (8), in Chambers county, there must be paid to the judge of probate of said county for the use of the State the sum of five hundred dollars, and for use of the county there must be paid the sum of two hundred and fifty dollars ; and before the issuance of a license to any person to wholesale vinous, spirituous or malt liquors in any part of beat number eight (8) in Chambers county, there must be paid to the judge of probate of said county for the use of the State the sum of four hundred dollars, and for the use of the county the sum of two hundred dol-

lars; Provided, that the judge of probate shall pay over to the county superintendent of education of Chambers county for the use of the public schools in the town of LaFayette, three hundred dollars of the amount collected for each retail license for the use of the State, and two hundred dollars of the amount collected for each wholesale license for the use of the State, and the receipt of the said superintendent to the judge of probate for such amounts shall be a complete acquittance to said judge for that part of said license. For public schools.

Approved December 12,1888.

No. 183.] AN ACT [s. 75

To authorize the mayor and aldermen of the city of Tuscumbia, Alabama, to issue bonds of said city for an amount not exceeding twenty thousand dollars, for the purpose of erecting school buildings and furnishing the same, and for draining, grading, macadamizing and improving the streets of said city, and to improvement of the spring in said city.

SECTION. 1. Be it enacted by the General Assembly of Alabama, That the mayor and aldermen of the city of Tuscumbia, in Colbert county, State of Alabama, and their successors in office, be and they are hereby authorized and empowered to issue bonds of said city of Tuscumbia, to an amount not exceeding twenty thousdollars, or so much thereof as the said board may deem necessary, for the purpose hereinafter named, to be issued in such form and manner as the mayor and aldermen may direct, in sums not less than one hundred dollars, nor more than one thousand dollars, payable not less than ten nor more than thirty years from date of issuance to bearer of, or to order of any person or corporation to whom the same is negotiated by said mayor and aldermen, at such bank or banking house in the city of New York, or at the office of the treasurer of said city, or at such other place as may be chosen by said city, but said bonds to be redeemable at the pleasure of said city at any time after ten years from the date of issuance. Bonds

SEC. 2. Be it further enacted, That not more than twelve thousand dollars worth of said bonds shall be issued within the first year after the passage of this act.

SEC. 3. Be it further enacted. That the bonds issued under this act shall bear an annual interest of not more than eight per cent., payable annually or semi-annually, and for the payment thereof coupons shall be attached to said bonds and numbered to correspond with said bonds, setting forth the amount of interest when due and where payable.

Interest.

SEC. 4. Be it further enacted. That the bonds and coupons issued under this act must be signed by the mayor of said city and countersigned by the treasurer of said city, and must be numbered according to the order in which they are issued, and the seal of the city shall be affixed thereto. The said mayor and treasurer are each required to keep a correct record of all the bonds issued under this act, and said bonds shall be sold only for money, and at not less than ninety cents on the dollar.

Duties of mayor and treaurer.

SEC. 5. Be it further enacted, That the said board of mayor and aldermen of the city of Tuscumbia, are hereby authorized and empowered to do any and all things that may be necessary to carry out the powers hereby granted, either through themselves or by an agent or agents, duly authorized and appointed by them for that purpose at any meeting of said board, whether at regular or special meeting thereof; and no technical informality, neglect or omission in the proceedings or records of said board shall in any wise vitiate or annul said bonds or coupons issued under this act, or any rights of the purchasers of the same, but said bonds and coupons shall have all the properties and protection of commercial paper, and said bonds and coupons shall be receivable for all dues to aid city and for all taxes levied for use thereof after maturity of said bonds and coupons, except such taxes as may be specifically set aside for school purposes.

Duties of mayor and aldermen.

Receivable for dues

SEC. 6. Be it further enacted. That not more than ten thousand dollars of said bonds may be issued for school purposes and designated as school bonds, and the money arising from sale of same shall be used

For school purposes.

only for erecting and improving school buildings and furnishing the same for said city, and not more than ten thousand dollars of said bonds may be issued for the improvement of the streets and spring in said city, and shall be designated and known as street bonds, and the money arising from the sale of same to be used only to the proper draining, grading, paving and macadamizing and improving the streets and commons of the said city of Tuscumbia, and to improving and building up the walls around the Big Spring in said city.

SEC. 7. Be it further enacted, That to meet the interest and principal at maturity upon any and all of the bonds issued under authority of this act, the board of mayor and aldermen of said city shall, and it is hereby made their duty, to set apart out of the general revenues of said city each year an amount as a sinking fund to meet and pay off the principal and interest upon said bonds at maturity and retain same. Sinking fund.

SEC. 8. Be it further enacted, That the money arising from the sale of the bonds issued under this act be paid directly into the hands of the treasurer of said city. But before said treasurer receives any of said money he shall be required by said board of mayor and aldermen to make a bond payable to said city for the faithful dischage of his duties in an amount equal to twice the amount of money that will come into his hands at any one time, and if the treasurer of said city shall refuse or fail to make said bond, then the board of mayor and aldermen shall remove him from his office and select another, who will give the required bond, said bond to be approved by the board of mayor and aldermen, and filed and recorded by the secretary of said board on the records of said city, and kept and preserved by the secretary of said board of mayor and aldermen, and a copy of said bond shall be certified by the mayor of said city, and recorded in the office of the judge of probate of Colbert county, and a certified copy from such record shall be received as evidence in any suit on such bond. Treasurer's bond.

SEC. 9. Be it further enacted, That the money raised by the sale of bonds issued under this act shall only be paid out by the treasurer of said corporation on warrants drawn by the mayor of said city and coun- How money to be paid out.

tersigned by the secretary of said board of mayor and aldermen to the contractors or laborers who do the work, and to pay for all materials used, and work done to carry ont the improvements contemplated by this act ; Provided, that no warrant shall be drawn for labor, material or any other service, under the provisions of this act, until the accounts for the same have been presented to and duly audited and allowed by the mayor and aldermen of said city in regular session.

Priority over other bonds.

SEC. 10. Be it further enacted, That the bonds herein provided for shall have priority over those hereafter issued, and it shall be the dnty of said board of mayor and aldermen of the city of Tuscumbia, to provide for the payment of the principal and interest of said bonds before providing for the payment of bonds which may hereafter be issued by said board of mayor and aldermen of Tuscumbia.

SEC. 11. Be it further enacted, That the bonds issued under this act and for the purposes herein specified, shall be and the same are hereby exempted from taxation by the city of Tuscumbia.

SEC. 12. Be it further enacted, That this act shall go into effect and become a law on its passage.

SEC. 13. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved December 12, 1888.

No. 184.] AN ACT [H. B. 262

To define and mark the line between the counties of Russell and Lee, through Marshall's reserve.

County line between Russell and Lee.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the line surveyed and located by Boykin Billups and B. G. Peterson, in accordance with an agreement entered into between the commissioners courts of said counties, and perfected by the judge of probate December 20, 1883, be and the same is hereby confirmed and established as the correct line between said counties.

SEC. 2. Be it further enacted, That the probate judges of said counties of Eussell and Lee shall be empowered and are hereby required to have erected on said line through Marshall's reserve, at convenient distances, and at a cost not to exceed one hundred dollars, substantial stone monuments, and in payment for the same shall give an order for one half the costs on the treasurer of Russell county, and an order for one half the costs on the treasurer of Lee county, and the treasurers of said counties are hereby authorized and required to pay said order out of any funds belonging to said counties. Stone monuments.

SEC. 3. Be it further enacted, That any person who intentionally removes or destroys one or more of said monuments, either in whole or in part, shall be guilty of a misdemeanor, and on conviction, shall be fined one hundred dollars for each monument removed or destroyed, and may be sentenced to hard labor for the county in which said offense may be tried, for not more than six months, at the discretion of the court trying the same. Penalty for removing monuments.

SEC. 4. Be it further enacted, That the courts of either the county of Russell or the county of Lee shall have jurisdiction for the trial of any one guilty of a violation of the provisions of this act.

SEC. 5. Be it further enacted, That all laws and parts of laws in contravention of this act be and the same are hereby repealed.

Approved December 12, 1888.

No. 185.] AN ACT [H. B. 11

To repeal an act entitled an act to provide for the more efficient working of the public roads in Dallas county.

SECTION 1. Be It enacted by the General Assembly of Alabama, That an act entitled an act to provide for the more efficient working of the public roads in Dallas county, approved February 28, 1887, be and the same is hereby repealed. Dallas road law repealed.

Approved December 12, 1888.

No. 186.] AN ACT [H. B. 132

To authorize the repayment to certain parties therein named school moneys overpaid by them into the State treasury.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the State auditor, upon the certificate of the superintendent of education, that the several amounts of school moneys herein named have been overpaid into the State treasury, to draw his warrant on the State treasurer in favor of said persons for the sum due to each, payable out of tile school fund due their respective counties, viz : J. A. B. Lovett, county superintendent of education for Madison county, the sum of one hundred and seven and thirty-seven one hundredth dollars ($107.37-100); B. H. Wilkerson, county superintendent of education for Lamar county, the sum of fifty-nine and twenty one hundredth dollars ($59.20-100); S. D. Logan, county superintendent of education for Bibb, county, the sum of forty dollars ($40 00), and J. L. Wiggins, late tax collector of Morgan county, the sum of one hundred and six and sixty-three one hundredth dollars ($106.63-100).

Auditor to draw warrant for over-payments into the school fund.

Approved December 12, 1888.

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No. 187.] AN ACT [H. B. 170

To establish in township 16 of range 6 east, in Perry county, a district in which stock shall not be allowed to run at large.

SECTION 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act no stock of any description shall be allowed to run at large in township 16 of range 6 east, in Perry county, Alabama.

Stock district in Perry co.

SEC. 2. Be it further enacted, That whenever any damage has been done to any property in the said district by stock running at large in violation of the provisions of this act, the party whose property has been

Proceedings for damages.

damaged, may, within ten days after such damage was done, make complaint against the owner of the stock doing the damage to a justice of the peace or a notary public of the precinct in which such damage was done, or if there be no justice of the peace or notary public of the precinct in which the damage was done, or they be incompetent to act, then to a justice of the peace or notary public of any adjoining precinct, describing the property damaged and the stock doing the damage, and whenever such complaint is made the justice of the peace or notary public to whom it is made, shall issue notice to the owner of auch stock commanding him to appear and answer such complaint on a day not less than live nor more than ten days from the issuance of such complaint. Said justice of the peace or notary public shall also issue notice to three disinterested freeholders, to be selected by him, commanding them to assess and report to him on the day on which the owner of said stock is required to answer said complaint, on their oaths, the amount of damages the complainant has sustained, which report shall be evidence on the trial of the cause, and if the owner of the stock appears on the day he is commanded to appear and answer said complaint, the justice of the peace or notary public shall try such cause and render such judgment therein as the justice and equity of the case demands, but if the owner of such stock does not appear and answer, the justice of the peace or notary public shall give judgment for the complainant for such damages as he may have sustained, and if judgment be rendered for the complainant, the justice of the peace or notary public shall also render judgment condemning the stock doing the damage to be sold for the satisfaction of such judgment and the costs of the suit, and shall issue execution on such judgment commanding any constable of the county to levy on and sell such stock, describing them in the execution, for the satisfaction of such judgment and costs.

Duties of justice of peace.

SEC. 3. Be it further enacted, Either party shall have the right to appeal from the judgment of the justice of the peace or notary public in such cause.

Appeals.

SEC. 4. Be it further enacted, The owner or manager of any stock who shall knowingly suffer such stock to run at large in violation of the provisions of this act,

shall be guilty of a misdemeanor, and on conviction,
Penalty. shall be fined not less than one nor more than twenty-five dollars; Provided, That justices of the peace or notaries public shall have jurisdiction of the offense under this section; Provided further, That all prosecutions under this section must be commenced in twenty days after the commission of the offense, and that the party injured by such shall alone have the right to institute such prosecution.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved December 12, 1888.

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No. 188.] AN ACT [H. B. 50

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within three miles of Falkville, Morgan county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person or
Liquor prohibition. persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or intoxicating bitters or beverages within three miles of Falkville, Morgan county, Alabama; Provided, That the provisions of this act, shall not be so construed as to prevent the use of wines for sacramental purposes or the domestic use of such liquors in. private residences; And provided further, That nothing in this act shall be so construed as to prevent regular practicing physicians who have complied with the laws regulating the practice of medicine in this State, from keeping and administering such liquors when necessary in their actual legitimate practice. But this provision shall not be so construed as to allow or legalize any other sale or other disposition of any such liquors or compound thereof, made on the prescription or order of any physician.

SEC. 2. Be it further enacted, That any person violating the provisions of the foregoing section, shall on
Penalty. conviction, be fined not less than ten nor more than five hundred dollars for each offense, and may be impris-

oned in the county jail or sentenced to hard labor for the county for not more than three months, at the discretion of the court trying the same; And provided further. That this act go into effect on the first day of January, 1889.

Approved December 12, 1888.

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No. 189.] AN ACT [H. B. 139

To regulate the fees of constables in criminal cases in Macon county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the fees of constables in criminal cases in Macon county, shall be as follows : For executing a search warrant by day, one dollar and fifty cents ; for executing a search warrant by night, two dollars ; for executing any other warrant, one dollar ; for serving each subpoena or notice issued by a justice of the peace, forty cents; for serving each subpoena or notice issued by the county court, sixty cents; for carrying a person before a magistrate under a warrant of arrest, or to jail when committed thereto, for himself and each necessary guard, to be proved by his own oath, for each mile ten cents going and returning. Constable's fees in Macon county.

SEC. 2. Be it further enacted, That whatever fees under the Code, constables are entitled to, not enumerated in the above schedule of fees, shall remain in full force and effect, and this act shall not be construed as in any wise repealing the same.

Approved December 12,1888.

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No. 190.] AN ACT [H. B. 131

To amend the charter of the town of Bessemer, and to re-incorporate the same as the city of Bessemer, and to establish a charter therefor.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the present town of City of Bessemer.

Bessemer, in the county of Jefferson and State of Alabama, be and the same are hereby re-incorporated, as the city of Bessemer, with all the powers and privileges appertaining to cities in this State, and that the charter of the present town of Bessemer, be altered, amended and enlarged in conformity herewith.

SEC. 2. Be it further enacted, That the inhabitants of the said city of Bessemer, shall be and continue a body politic and corporate, by the name of the city of Bessemer, and by this name may sue and be sued, contract and be contracted with, receive, grant and do all other acts as natural persons, in respect to the powers herein granted, may purchase and hold real, personal and mixed property, and dispose of the same for the use and benefit of the city, and may have and use a city seal, which may be changed and altered at pleasure.

Powers.

SEC. 3. Be it further enacted, That the corporate limits of the said city of Bessemer shall embrace all the territory in the following limits, to-wit: Beginning at a point on the Alabama Great Southern Railway at the intersection of Twelfth (12th) street and running thence along Twelfth (12th) street to Tenth (10th) avenue, thence along Tenth (10th) avenue to Thirty-second street, thence along Thirty-second street to a continuation of the line of Fairfax avenue, thence along Fairfax avenue to the intersection of south line, section ten (10), township nineteen (19), south, range four (4), west, thence along section line to intersection of continuation of Twelfth (12th) street, thence to the point of beginning. The said city is divided into four wards, as follows : The first ward shall include all that part of the city which is included in the following limits, to-wit: Commencing at the intersection of south line of section ten (10) and Fairfax avenue, and running thence along Twelfth (12th) street to Alabama avenue, thence along Alabama avenue to Twenty-second (22d) street, thence along Twenty-second (22d) street to Fairfax avenue, thence along a continuation of the line of Fairfax avenue to the point of beginning. The second ward shall include all that part of the city embraced in the following limits, to wit: Commencing at the intersection of Alabama avenue and Twelfth (12th) street, thence along Twelfth (12th) street to Tenth (10th) avenue, thence along Tenth (10th) ave-

Limits.

First ward.

Second ward.

nue to Twenty-second (22d) street, thence along Twenty-second (22d) street to Alabama avenue, thence along Alabama avenue to the point of beginning. The third ward shall include the following portion of the said city, to-wit: Commencing at the intersection of Twenty-second (22d) street and the Alabama Great Southern Railroad, and running thence along the track of the said railroad to Thirty-second (32d) street, thence along Thirty-second (32d) street to a continuation of Fairfax avenue, thence along a continuation of the line of Fairfax avenue to Twenty-second (22d) street, thence along Twenty-second (22d) street to the point of the beginning. The fourth ward shall include the following portion of said city, to-wit: Commencing at the intersection of the Alabama Great Southern Railroad and Twenty-second (22d) street, thence along Twenty-second street to Tenth avenue, thence along Tenth avenue to Thirty-second (32d) street, thence along Thirty-second (32d) street to the Alabama Great Southern Railroad, thence along the track of the said railroad to the point of beginning.

Third ward.

Fourth ward.

SEC. 4. Be it further enacted, That the government of said city shall consist of, and its corporate power be exercised by a mayor and eight aldermen, who are residents of said city, who shall be elected as hereinafter provided, on the second Monday in September, eighteen hundred and eighty-nine (1889), and beginning on the second Monday in September thereafter, by ballot of the male inhabitants of the said city, of and over the age of twenty-one years, who have resided in said city for three months and in the State for twelve months next preceding such election, and are qualified electors, under the general election laws of the State, and are registered as hereinafter provided ; and should the election not take place on the day fixed for the bi-ennial election of mayor and aldermen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office till their successors shall be elected and qualified; and it shall be the duty of the mayor and aldermen to fix some day, as early as convenient, within one month thereafter, on which day the said election shall be held, and should the mayor and aldermen fail or neglect to provide for the election as herein described, they shall be guilty of a misdemeanor; and should a vacancy occur in the board by the death, resignation or removal from the city, or

Mayor and aldermen ; election of.

from any other cause, except on a contest of election as now provided by law, the remaining members of the board shall fill the vacancy at the next regular meeting after such vacancy occurs.

SEC. 5. Be it further enacted, That said election shall be conducted according to the laws governing elections for offcers under the laws of this State, except as declared in this act; but no person shall be entitled to vote at said election in said city, unless he possesses the qualifications mentioned in the seventli article of the constitution of this State, and shall have resided in said city for three months, and in the ward in which he proposes to vote thirty days, and shall have caused himself to be registered in the ward of his residence, in the manner hereinafter provided, and shall have produced and surrendered to the inspectors of election, at the polling place of said ward, the original certificate of such registration hereinafter provided.

Elections governed by State election laws.

SEC. 6. Be it further enacted, That at said election there shall be one polling place in each ward, and it shall be the duty of the mayor and city clerk to provide for the opening of said polls, and to give ten days' notice by publication in a newspaper or newspapers of said city, of the time and place of holding such election, and the names of the inspectors of election for each polling place. The said mayor and aldermen shall appoint the said inspectors, who shall perform the duty of returning officers. The number of said inspectors so appointed, shall be three for each polling place in said city, one of whom shall be a member of each political party, if practicable, and said inspectors shall be qualified electors at said election.

Polling places.

SEC. 7. Be it further enacted, That at least twenty days before the second Monday in September on which the election is to be held, it shall be the duty of the mayor and aldermen to appoint one person of each place of registration, to act as a register of voters, the place of registration in each ward to be appointed by the board ; said registrars shall respectively commence registration on the third Monday in August next preceding the election, and shall continue the same until within seven days of said election, at which time said registration shall be closed. Each of said registrars shall give at least five days notice, by advertisement in some newspaper pub-

Registration.

Duties of registrars.

lished in said city, of his appointment, and of the time and place at which he will attend and make registration of votes, as hereinafter required, and should any of the registrars so appointed fail to act, or from any cause a vacancy should occur in said appointments, then the board shall appoint some other party in his stead. Before registration is made of any applicant therefor, said registrar must be satisfied by personal knowledge, or sufficient evidence, that such applicant has resided at least three months in the city, and thirty days in the ward in which he proposes to register and vote, and that he will be legally entitled to vote at the then next ensuing election for municipal officers of said city, according to the requirements of the fourth section of this act, and said registrar being satisfied, must thereupon place the name of such applicant upon the registration list, together with his color, and the ward of his residence, bounding the latter by streets and avenues, and giving such other description as may be easily intelligible. The name of the party registering shall be placed upon said list alphabetically, and be numbered in order of registration, and said registrar must furnish each person so registered a certificate of his registration, giving his name, age, ward of residence, and the number of his registration. The right of any person to be registered as a voter may be challenged in the same manner as hereinafter provided, for the challenging of any person who may claim the right to vote at any municipal election of said city, and in case the registrar is in doubt, and cannot decide for himself any matter pertaining to his duties as registrar under this act, then said registrar shall take the advice upon such matters of some competent practicing attorney at law in said city, to be selected by him ; Provided, however, that when an applicant for registration is identified, by some person known to the registrar, who will make oath to the identity of the applicant, and such applicant will subscribe the following oath: “I solemnly swear or affirm that I have resided in the State of Alabama one year, in the city of Bessemer three months, and in the ward in which I now live thirty days, next preceding this election, that I am twenty-one years of age, and that I have never been convicted of any crime involving moral turpitude,” in such event the registrar is required to furnish to said applicant the necessary certificate of registration, with the

name of the person who identified said applicant endorsed thereon. And it shall be the further duty of the registrar to furnish the inspectors for his ward with a list of the voters subscribed under the provisions of this section. Each of said registrars shall carefully preserve the original registration list of the voters registered by him, and make or cause to be made a correct copy thereof, and certify said original copy over his signature, and immediately after the closing of the registration list, shall deliver the said original and said copy to the mayor of said city.

SEC. 8. Be it further enacted, That before entering upon the charge of said duties, each of said registrars shall make and subscribe an affidavit before some officer authorized to take affidavits, that he will faithfully and truly perform the duties of registrar by this act imposed on him, and that he will honestly, without fear, favor or affection, or prejudice, and witliout reward or the hope thereof, cause registration to be made of all persons who may personally apply therefor, and show that they are legally entitled to vote at the next ensuing election, and of no other person. Said affidavit shall be filed by said registrar in the office of the city clerk. For every wilful violation of their duty as such registrars, they shall, on conviction, pay a fine of two hundred dollars for the use of the city of Bessemer.

Affidavit of registrars.

Penalty.

SEC. 9. Be it further enacted, That as soon as practicable, the mayor of said city shall cause at least fifty carefully corrected copies of each of said registration lists of the city to be printed, and shall furnish to each of the inspectors of election one printed copy of the registration list, to be used at such election; one of these printed copies shall be designated and used by each set of said inspectors, as their official copy, and shall be then returned with the ballots cast at such election, as part of their official returns as herein directed. It shall be the duty of said mayor at least one day before said election, to post at the post-office door, or some other public place, in said city, one copy of the registration list. The original of said list, and the certified manuscript copies as received from the registrars, shall, after said printed lists have been prepared, be by the mayor deposited with the city clerk, to be preserved among the records of said

Fifty copies to be printed.

Copy to be posted, etc.

city, said original lists to be used, however, by the inspectors of said election.

SEC. 10. Be it further enacted, That the inspectors of said election shall not receive the vote or ballot of any person whose name does not appear upon the registration list, as having registered in the ward in which he proposes to vote, as furnished by the mayor, and who does not at the time of voting present and surrender to the inspectors of election, his certificate of registration issued to him under the provisions of section five of this act, to be by said inspectors then and there cancelled, and does not on demand make satisfactory proof of his identity with the person whose name may be on said registration list. For the purpose of such election the printed lists furnished to tlie inspectors by the mayor, and hereinbefore described as the official lists, shall be taken to be correct, but subject, if error be alleged to be corrected by comparison with the original registration lists for that ward, which for that purpose shall be in the custody of the inspectors at the time and place of such election. Upon the receipt of any vote by the inspectors they shall forthwith draw a line with red ink on said official registration list, over the name voted; the said inspectors shall immediately after the polls are closed, proceed to count the ballots cast at their respective polling places, and certify the result of the election to the mayor and aldermen of said city. They shall enclose the ballots cast in their respective boxes with the poll list and registration list of the city for that ward, and the certificates of registration surrendered at the election, together with their said certificates of the result, in the box in which are placed the ballots received at such election, and after carefully sealing the same, deliver said box, with its contents, to the clerk of the city, who shall give to said inspectors his receipt for said box, stating in said receipt the condition of said box when received by him.

Duties of inspectors of election.

SEC. 11. Be it further enacted, That the said mayor and aldermen of said city, or a majority of them, shall immediately after the delivery of the boxes, poll lists, and inspectors certificates of the respective polling places as hereinbefore required to said clerk, proceed to open the said boxes, and by a footing up of the returns as made by the inspectors of the several polling places (and by a count of the votes if deemed necessary by the board), as-

Duties of mayor and aldermen.

certain which of the candidates have received the highest number of votes for the respective offices, and declare the election to their respective offices of the persons who shall have received the largest number of legal votes for their respective offices to be filled at said election, and shall give certificates of election to their respective offices to the persons so found to be elected. But in case said mayor and aldermen, or a majority, were candidates at said election, then the clerk, the treasurer, and the marshal of said city, shall foot up the returns, after being duly sworn to act fairly and honestly in the premises, and declare the result and issue the certificates of election as above stated. The said certificate of election so issued, by the said mayor and aldermen, or a majority of them, or by the clerk, treasurer and marshal, shall entitle the persons so certified to the possession of their respective offices, immediately upon the expiration of the term of their predecessors, as fixed by the statutes, subject, however, to contestation of their right, as is now, or may be provided by acts of the general assembly for judge of probate.

Challenges.

SEC. 12. Be it further enacted, That any person offering to vote at any municipal election in the city of Bessemer, may be challenged by either of the inspectors, or by any qualified elector, and it is the duty of each inspector to challenge any person offering to vote, whom he knows or suspects not to be qualified under this act as an elector. When any person is challenged, if his ballot is not withdrawn, one of the inspectors must tender him the following oath : “You do solemnly swear that you will fully and truly answer all questions that may be put to you touching your qualifications as an elector.” The inspectors, or one of them, must then examine him as to his qualifications under this act. When a vote is so challenged the same must be counted by the inspectors, but such vote must also be deposited in a separate box, and so designated to the board as a contested vote.

Illegal registration or voting a felony.

SEC. 13. Be it further enacted, That any person who falsely personates another, and thereby casts a vote to which he is not entitled, or thereby obtains registration as a voter to which he is not entitled, or attempts by such false personation of another to obtain such registration, or after having once voted at such election, votes a second time, or attempts to vote a second time, whether in the

same ward or in another, or shall vote at such election, when not entitled to do so, or shall falsely attempt to do so, or after once having obtained registration in any ward, he shall cause himself to be registered a second time, or attempt to obtain a second registration, whether in the same or another name, or shall aid or assist another not entitled, knowing him not to be entitled, to vote or to obtain registration as a voter, or shall wilfully give a false answer to any question put to him by any inspector or registrar, shall be guilty of a felony, and on conviction, shall be punished by imprisonment in the penitentiary or hard labor for the county for the space of not less than six months or more than one year.

SEC. 14. Be it further enacted, That no person shall hold the office of mayor or alderman of said city, who has not resided therein for one year next preceding the election, and the aldermen must be residents of the wards and qualified voters therein for which they are respectively elected at the time of their election.

One year in city, to be mayor or alderman.

SEC. 15. Be it further enacted, That the ballots cast at each election held under this act shall, after the same are counted, if the board deem it necessary to count them, be sealed up by the mayor and aldermen of said city, and deposited with the clerk of the circuit court of Jefferson county, Alabama, who shall preserve the same for twenty days after the election is declared, and then if there is no contest, said clerk shall destroy the same; but in the event of a contest, the same shall be delivered to the judge trying the same.

Ballots to be deposited with circuit clerk.

SEC. 16. Be it further enacted, That any election held under this act, may be contested in the same manner, as is or may be provided for by the laws of this State, for the contest of the election of judge of probate, and shall so far as practicable apply to the contest of elections held under this act.

Contests.

SEC. 17. Be it further enacted, That a majority of the board shall be required to transact any corporate business, but any number not less than three, may assemble at their regular place of meeting and adjourn from day to day, and compel the attendence of absent members in such manner and under such penalties as the board may prescribe, that the board may determine the rules of its proceedings, may fine its members for absence or disorderly behavior. In the absence of the mayor at

Quorum, etc.

any meeting of the board, the members present may elect a presiding officer, and in case of sickness or temporary absence of the mayor from the city, or inability to serve from any other good cause, he may appoint any one of the aldermen to act as mayor during snch sickness or absence, and such mayor pro tempore shall have all the powers of the mayor, and shall perform all the duties of the same.

Duties of mayor.

SEC. 18. Be it further enacted. That it shall be the duty of the mayor to preside and keep order at the meetings of the board ; he shall call special meetings of the board, whenever, in his opinion, the interest of the city requires it; he shall keep an office in said city and hear and determine all cases of violation of all by-laws or ordinances, or the charter of said city, and punish the offenders in such manner as the board may direct; he shall receive such fees and salary as may be prescribed by the board ; and he shall possess within the corporate limits of said city all the powers and jurisdiction of a justice of the peace in both civil and criminal cases, and shall be subject to all corresponding duties and liabilities of a justice of the peace. Provided, that he shall not be required to take jurisdiction of, try, or determine any cause, civil or criminal, as ex officio justice of the peace, that has not already come before him as mayor of said city. From any judgment or decision of said mayor, as such, an appeal may be taken by the defendant to the criminal court of Birmingham (the cause to be at issue in said criminal court within thirty days from the date of such appeal) upon defendants entering into bond, with good and sufficient security, to appear at the term of the court to which the appeal is taken, and from term to term thereafter until discharged by the law; to abide by and perform whatever sentence may be adjudged against him, the bond to be payable to the mayor and aldermen of Bessemer, in such penalties as the mayor may prescribe, and to be approved by him, and such case shall be placed on the criminal side of the docket, and if the defendant be convicted the court or jury trying the case may impose fines and imprisonment, one or both, just as the mayor could have done under the ordinance of the city on the trial before him, and if the fine be not paid or imprisonment be imposed, the defendant shall be remanded to the city prison, there to remain until dis-

Appeals.

charged as provided by the ordinances of said city upon conviction before the mayor. And in case the defendant do not appear at the trial, but make default, then his bond shall be declared forfeited and judgment shall be rendered thereon against the defendant and his sureties, as in State cases, except that the judgment shall be in favor of the mayor and aldermen of Bessemer. Provided, that such appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor, and the case shall be tried de novo, and it shall be the duty of the court to speed the trial thereof. The mayor shall have jurisdiction of all proceedings by motion, scire facias, or other writs instituted for the collection of any penal bond, payable to said mayor and aldermen of Bessemer, taken under this act or under the ordinances of said city passed in pursuance of this act, and from his judgment, rendered in such proceedings, executions thereon may issue and be enforced as executions from justice court; the said mayor shall have the right, when the good or safety of the city may require it, to call upon or demand the aid of the sheriff of Jefferson county. He may punish any contempt while holding his court, or while the board is in session, by a fine not exceeding twenty-five dollars, and by imprisonment for not longer than ten days, one or both ; he shall at least once in six months make a statement to the board in writing of the financial condition of the city, which said statement shall be published in at least one of the papers published in the city ; he shall have the power to suspend the marshal, or any policeman until the next regular meeting of the board, and report to said meeting the fact of such suspension and the cause thereof, and he shall do and perform such other and further duties as the board may require.

Powers of mayor.

SEC. 19. Be it further enacted, That the board may appoint a city marshal, clerk and treasurer of said city, and such other officers as they may see fit, and think necessary for the good government of the said city, and to carry out the powers herein granted, and may prescribe the duties of such officers, and their liabilities and powers, and may require them to give bond in such sums as they see fit for the faithful discharge of their duties, and may remove and discharge any of its officers and employees at pleasure, and fix the salaries of the same.

Officers to be appointed.

For any breach of the bonds of such officers, suit may be
Breach of bond brought in the circuit court of Jefferson county, Alabama, or before any court having jurisdiction, and such suit shall be governed in the manner as other like suits.

The city shall keep a regular record of all proceedings,
Record of proceedings as evidence. orders, regulations, resolutions and ordinances of the board, which shall be read to the board and signed by the mayor or acting mayor, when approved by the board, and the same shall have the force and effect of a record, and a copy thereof certified by the clerk shall be prima facie evidence in any court of record or elsewhere, and said record shall at all times be open for inspection.

SEC. 20. Be it further enacted, That the marshal shall have in said city all the powers of constable under
Duties of marshal. the laws of this State, and be entitled to all the fees of such constable. He shall possess within the limits of said city all the powers of a peace officer. He shall execute the orders, notices, and processes of the board, or of the mayor, and shall have the power, if the board so orders, to make arrests, either with or without warrant; and he shall perform such other duties as the board may prescribe; Provided, That he shall not be compelled to execute any process as constable, except by order of the board, or of the mayor or acting mayor.

SEC. 21. Be it further enacted, That the said mayor
Powers of the mayor and aldermen. and aldermen shall have full and complete power. (1) To make, adopt and declare motions, resolutions, by-laws and ordinances, in the manner hereinafter provided, upon whatever subject they see fit, to carry out the powers herein granted, and for the good government and order of said city, and to affix thereto such penalties for the violation of the same by tine not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days, one or both, and all persons convicted for breach of any by-laws or ordinances failing to pay or secure such fines may be imprisoned for such failure, or placed at hard labor for the city, until such fine and costs are paid, in such manner and for such time as the board may direct, not longer than thirty days.

(2) To pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced into said city; to establish and regulate an efficient quarantine within said city and within ten miles thereof, and to punish any breach of quarantine laws and to prescribe the duties and fix the salaries and compensation of all such health officials as they deem necessary,

under existing health laws of the State. (3) To prevent and remove all nuisances at the expense of the person causing the same, or upon whose premises the same may be found. (4) To establish, set up and regulate hospitals, poor-houses, work-houses and houses of correction. (5) To license, tax, regulate and restrain theatrical or other amusements, and the selling, retailing or giving away of vinous, malt or intoxicating liquors. (6) To restrain or prohibit gambling houses, houses of ill-fame, disorderly conduct, breaches of the peace, riots and all unlawful assemblies and public indecencies, and to restrain chicken fighting and all games and sports of an immoral character. (7) To appoint and regulate night and day watchmen, police control and captains thereof. (8) To divide the city into wards and regulate and change the same. (9) To establish, regulate and control markets and market-houses, and to pass by-laws aud ordinances regulating the sale of meats, vegetables or other like articles within certain places and within certain houses. (10) To sink, repair and regulate public wells and cisterns, to establish and regulate fire-plugs, and public hydrants, and to make all needful provisions for the supply of the city with water, gas and gas-lights, electric and other lights and to control street lamps. (11) To establish streets, avenues and alleys, and regulate and control the paving, and curbing of streets and side-walks and the giving of the grade thereof. (12) To establish and build drains, sewers, aqueducts and reservoirs and to regulate the same, and to pass all laws, ordinances and resolutions to compel owners of lots or real property to ditch and drain the same at the expense of the owner, and to punish any refusal or neglect of such owner or person in charge of said lot or property by fine and imprisonment, one or both. (13) To establish, lay out and improve public parks, and to regulate the same. (14) To establish, regulate or change tire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner thereof a reasonable price; to regulate and control the location and building of powder magazines within three miles of said city. (15) To lay out, regulate, improve and control cemeteries and burial grounds, and to sell burial lots in the same. (16) To prevent the running at large on the streets of all

cows, hogs, dogs, or other animals, and to pass all laws deemed necessary by the board for the sale and impounding of said stock. (17) To establish, regulate and control free white public schools and free colored public schools in said city, and to pay the teachers thereof; Provided, That no more than one-tenth of the gross general revenue of said city may be so expended. (18) To regulate and control the running of cars or locomotives upon or across the streets, avenues or alleys of the said city, and to regulate and control the speed of such cars, engines or trains, within the corporate limits of said city. (19) To pass all laws necessary and proper for the arrest, with or without warrant, of any person against whom there is a charge made of violating any city or State law, and to confine such person until duly discharged by law; to pass all laws needful for the issuance and execution of such warrants. (20) To make and ordain all laws necessary concerning idlers, paupers, vagrants and disorderly or vicious persons, and correcting and restraining their vicious habits, and all persons convicted of a breach of the by-laws and ordinances of said city, failing to pay such fine and costs that may be imposed by the mayor, or acting mayor, may be placed at hard labor for the city or imprisoned until such fine and costs are paid; and in case any person put to hard labor for the city fails to work faithfully, he may be tried for such failure by the mayor, or acting mayor, and if convicted shall be punished by fine not exceeding one hundred dollars, and by additional hard labor not exceeding thirty days one or both. (21) To pass by-laws and ordinances in relation to auctioneers, carrying on their business on the streets, and to regulate and prohibit the same. (22) To punish all persons who in any manner obstructs the marshal, captain of police or any policeman, or other officer in the arrest of any person in said city, or in the lawful discharge ot any of their duties in said city, and for the punishment of all persons, who when called upon to aid in the arrest of any person shall fail to aid or give such assistance. (23) The said board shall bave power to pass and establish inspection laws within the city, the weighing and measuring of all kinds of produce or provisions for man or beast, and to provide for the inspection and guaging of liquors. (24) To regulate and control the manner of building par-

tition walls and partition fences, and to regulate the keeping, carriage and storage of gun powder, blasting powder and other explosives or dangerous material within said city. To regulate and control the cleaning and sweeping of chimneys, the use of lights, stove pipes and flues in all stores, ware-houses, shops, stables, kitchens and other places. (25) The said board shall have power to pass by-laws, ordinances and resolutions for the grading and paving any side-walks in said city by the respective owners of real estate fronting thereon, and to enforce obedience to such ordinances by such fines, forfeitures and punishments as they may provide to be assessed and collected and imposed as other fines and forfeitures and punishments; to license such business and vocations as are now licensed by the State, and others hereinafter named, and to impose and collect licenses thereupon in the following amounts, respectively : auctioneer (resident), $50.00 ; (non resident), $100.00. Barber shops (for each chair), $2.00. Banks and bank agents and dealers in exchange—$100.00. Commission merchants and brokers, whether by exchange or otherwise, $50.00. Lawyers, doctors and dentists, who have practised for three years, (each firm) $10.00, and no additional charges shall be made for fees, etc., when this amount is charged. Druggists and apothecaries (each firm), $25.00. Express companies, each $100.00. Hotels, each $25.00. Restaurants, 10.00. Life, accident and fire insurance agents, for each company represented, $10.00. Livery and sale stables, $10.00. Itinerant traders, either by sample or otherwise, $10.00. Dealers in fish or oysters, or either, $20.00. Transient physicians and vendors of patent medicines, $25.00. Undertakers, $25.00. Keeping studs or jacks, each, $5.00. Commercial telegraph companies, $100.00. Carts, drays, wagons, hacks, coaches or omnibuses, each, $20.00. Ware-houses and public weighers, each $25.00. Dealers in commercial fertilizers, each $25.00. Cotton buyers, $10.00. Dealer (other than general dealer) in wagons, buggies or carriages, not manufactured in the city, $25.00. Dealer in general merchandise, $25.00. Watch-maker or jeweler, doing business for himself, each, $10.00. Bakers, each, $10.00. Tin shops, each $10.00. Printing offices, each, $10.00. Coal or wood yards, each, $10.00. Lumber yards, each $25.00. Brick yards, each, $10.00. Dancing masters, each, $10.00. Skating rinks, each

Licenses.

$10.00. Ice cream saloons, each, $10.00. Real estate agents, each, $25.00. Telephone exchange, each, $100.00. Plumbers or gas fitters, each, $10.00. Ice factories, each, $25.00. Lightning rod agents, each, $25.00. Drummers or commercial agents selling consumers, each, $10.00. Dealers in cigars or tobacco, whether the principal stock in trade or not, each, $10.00. Photograph or art gallery, whether in house or tent, $25.00. Lumber dealers, each person or firm, 25.00. News dealers, each person or firm, $10.00. Fruit stands, each $10.00. Green grocers, each, $25.00. Marble yards, each, $20.00. Architects or superintendents of buildings, each, $25.00. Railroad companies or individuals running what are commonly known as commissary cars or grab cars, for each car used in the selling of goods within the corporate limits, $100.00. Confectioneries, each, $10.00. Dealers in fire works, pyrotechnics, each, $10.00. Dealers in coal, including those who buy coal and haul it into the city for sale, $10.00. Dealers in brick, each, $10.00. Dealers in wood, including those who buy and haul it into city for sale, each $10.00. Boot blacks, each, $2.50. Dealers in pistol cartridges $5.00. Provided, that said board shall have power to assess, levy and to collect against general dealers in merchandise, resident of said city, a tax of one-half of one per cent on the first of January of each year, to assess, levy and collect against general dealers in merchandise, who are transient, a tax of one-half of one per cent on largest amount of merchandise on hand at any one time while engaged in business; Provided, that the tax above provided for shall be in lieu of ad valorem tax of one-half of one per cent hereinafter authorized to be imposed on certain merchandise ; to assess, levy and collect taxes on all property in said city for each year, not exceeding one-half of one per centum on value thereof. The assessments herein mentioned are to be made by the clerk of the city upon the State and county assessment books, as assessed for State taxes the preceding year, and it shall be the duty of said board to associate with the county tax assessor, one good and discreet citizen of the city, who shall assist said county tax assessor in assessing the property of the said city ; Provided, that in case any property has escaped taxation in previous years, said clerk shall assess the same to be collected as other taxes

Taxes.

are collected ; and, Provided further, that if there was any property in the city on the first day of January of the current year, which was not in the city on the first day of January of the preceding year, or if there were improvements on the first day of January of the then current year erected on property materially enhancing the value of such property, which said improvement had not been erected on the first day of January of the preceding year, and consequently not assessed for State taxation during the preceding year, then it shall be lawful for the clerk of the board, and it shall be his duty to assess such property or improvements at a fair valuation, which said valuation shall be added to the valuation as assessed for the State taxes for the preceding year, and the taxes so assessed shall he collected as the other assessments are collected.

Proceedings in enacting ordinances, etc.

SEC. 22. Be it further enacted, 1. That all the provisions of this act before becoming operative, shall require formal enactment by the mayor and aldermen in council assembled, and such enactment shall be either by resolution, ordinance, mandate or by-law. 2. That in the passage of all laws and ordinances for the erection of public improvements, all penal ordinances, and all ordinances on the appropriation, expenditure or payment of moneys, the contracting of any debt or the making of any contract for the payment of money for more than fifty dollars, except appropriations for the regular salaries of officers and employees of the city, the ayes and nays shall be taken and entered upon the minutes of the council proceedings; and the vote of the majority of the whole number of aldermen shall be necessary to pass any law or ordinance upon any one of the above subjects; and in all other cases a majority only of the members present may act; Provided, however, that any member of the council may at any meeting thereof, regular or adjourned or special, call for the ayes and nays on any other question, and any member of the council may have his protest against the passage of any measure spread upon the minutes of the council proceedings. 3. That all laws and ordinances before passing, shall be read three times, and after the first reading shall be referred to the appropriate committee and receive its endorsement or disapproval before being called up for the second

and third reading aud final passage, but this shall not be construed as requiring each reading to be at different meetings, unless hereinafter provided. All new ordinances containing a penalty, all ordinances affecting property rights generally, or to operate upon the public at large, all ordinances for the creation of any city indebtedness or for the creation of any contract to which the city may be a party, all ordinances levying a license or a tax, and all ordinances for the repeal of, or for the purpose of amending any existing ordinance, shall be referred to the appropriate committee, and he over until the next regular meeting of the council, before coming up for the second and third reading and final passage; and all other ordinances may be passed at the meeting at which they are introduced, by complying with the provisions

Approval of veto by mayor.

of this act. 4. That after the due passage of any law or ordinance and before it shall go into effect, the same shall be submitted to the mayor for his approval, which, if given, shall be expressed by signing thereto the word, “approved,” with his signature and the date of approval. If he should not approve the ordinance he shall not sign it, but shall at and not later than the next regular meeting of the council, or sooner at a special meeting thereof called for that purpose, return the same to the city council with his reasons for vetoing the same attached thereto; and if not so returned within the time required, the ordinance shall have all the effect as if approved by him, and after due publication, shall become a law. If at the meeting the ordinance so returned, the city council shall pass the said ordinance by a two-thirds vote of the whole number thereof over his veto, it shall have the same effect, and after publication, become a law, as if approved by him; and it shall express, when published, that it was passed over his veto by the required vote. The mayor shall have no right to cast any vote except in cases of a tie vote; and any member of the council failing or refusing to vote shall be taken as voting in the negative. 5. That no law or ordinance shall be enforced until ten days from the date of the due publication thereof, provided this shall not apply to ordinances which do not effect the public generally, which said ordinances shall take effect from and after due passage

Ordinances; when take effect.

and approval. 6. That the city clerk shall keep a register of ordinances in which he shall record all ordinances duly passed and published, and shall add to the record of each ordinance his certificate, which said certificate must show that all the requirements of the law relating to the passage and publication of said ordinance have been complied with, shall give the date of its passage, the name of the newspaper in which it was published and the page of the minute book containing the minutes of the meeting at which it was passed. 7. That no ordinance passed otherwise than in the manner required by this section shall have any force and effect whatsoever, but shall be, ab initio, void.

SEC. 23. Be it further enacted, That for the trial of all violations of the laws and ordinances of the city, and the punishment of offenders therefor, there shall be a mayor's court, to be held by him daily except on Sundays and legal holidays, under the mode of procedure governing county courts, and under such other rules and regulations not inconsistent therewith as the city council may provide, with the right of appeal from any judgment or decision of said court as is hereinafter provided. Mayor's court.

SEC. 24. Be it further enacted, That the city of Bessemer shall have a prior lien upon all real and personal estate assessed for taxes over and above all other liens that may exist thereupon, except those of the State and county; and upon all sales made under and by virtue of such assessments the tax collector of said city shall by a deed convey to the purchaser at such sale or sales a title superior in the order of priority of liens to that of any lien then existing save those of the State; Provided, that when a tax is assessed upon property the owner of which is not known, sixty days notice of the sale, specifying the amount of the tax shall be given in some newspaper in said city before the sale; And provided further, that no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or as the property of an unknown owner or on account of any informality or irregularity whatever in the proceedings for the assessment or sale, unless the Lien on property fo taxes

person impeaching said sale shall show that the taxes so assessed on said property and all penalties and costs accruing on such assessments and the proceedings for sale were paid at the time of such sale.

SEC. 25. Be it further enacted, That the said board is hereby authorized and empowered to pass laws for

Sale of proper- sale of real estate and personal property in said city

ty for taxes. for taxes whether said real estate and personal property belongs to resident or non-resident owners, or to persons unknown, and to authorize the sale of any one lot or subdivision of lot, or so much of the property as may be necessary to pay the taxes due, and that the owner or any one for him, or any mortgagee or person having a lien be allowed to redeem at any time within two years from the sale on paying the purchaser or the city treasurer for him double the amount of taxes, costs, expenditures of sale paid by the purchaser, and five dollars for the expense of re-conveyance, and the legal interest on the amount paid at such sale from the date of sale to the day of redemption ; any surplus arising from said sale to be paid into the city treasury to be kept as a separate fund by said officer for the owner upon the responsibility of his bond. Interest shall be collected on all taxes as-

Interest, etc. sessed from the first of May next after the assessment, if not paid by that day ; and that when any lot or part of a lot has been assessed to an unknown owner, the assessment shall be prima facie evidence of the fact, and that the board may by its agent purchase real estate sold for the taxes, and in such event the deed for the same shall be made to the mayor of the said city and his successors in office, to be held by him or the city ; which may be redeemed as other land sold for taxes aforesaid, and when so redeemed they may or shall be reconveyed to the owner at the expense of the latter as aforesaid.

SEC. 26. Be it further enacted, That the mayor and aldermen of said city be, and they are hereby author-

Sinking fund, ized and required to establish a sinking fund to pro-

etc. vide for the payment of the interest on any of the bonds which may hereafter be issued by law, and for the payment and redemption of such bonds at maturity, and they shall appropriate to said fund, not exceeding twenty-five per cent. of the revenue received on ac-

count of licenses and tax on all property within said city, and shall require all persons paying taxes or licenses, at least twenty-five per centum thereof in currency or so much thereof as may be required, or the board may see fit; and the mayor and aldermen shall have the power to collect all taxes of said city, and all fines and forfeitures imposed for violation of any city ordinance, by execution, levy and sale, and from the operation of such execution no property of any citizen of said city, or other person shall be exempt; Provided, that said mode of collection shall not prevent the collection of such in any other manner herein provided.

SEC. 27. Be it further enacted, That said board shall have authority to require all male inhabitants of said city who have resided therein ten days, and who are between the ages of eighteen and fifty years, to work upon the streets of said city, for at least five days in each year, under the direction of such officer as the board may appoint; Provided, that any person so required to work may relieve himself from so working, by paying into the city treasury a sum not more than five dollars, all moneys so collected or paid, to be used and applied exclusively to the improvement of the streets ; Provided further, that the inhabitants of said city shall be exempt from working on roads or highways outside the limits of said city ; Provided further, that no male inhabitant of said city between the ages of eighteen and fifty years shall be exempt from the operation of this section, except such as the board may hereinafter expressly by ordinance so exempt.

Working on streets.

SEC. 28. Be it further enacted, That it shall be unlawful for any officer of said city, either directly or indirectly, by himself or by his agent purchase, deal in or traffic in any manner in a claim, debt, warrant, or script due from the city any person found so dealing, shall be guilty of a misdemeanor, and shall be punished by fine not less than ten, nor more than one one hundred dollars, but nothing herein shall prevent an officer or agent from selling such claims as he may have on hand at the passage of this act or may acquire directly from the city, or from receiving in good faith any city claim in payment of a debt due to him, nor from purchasing in good faith, so much of such

Officers not to deal in city claims.

claim as may be necessary to pay his taxes aud licenses for the current year.

City prisoners.

SEC. 29. Be it further enacted, That whenever any person in the custody of the city authorities before or after conviction of a violation of the city ordinance, and is held for such by said city, and such prisoner has violated any State law, and is charged therewith, such prisoner shall be held by said city authorities until such time as the sentence of the mayor shall be fully performed and discharged, except in cases where said party is demanded by the State authorities under a charge of felony; and the said city authorities shall then deliver such prisoner to the sheriff of Jefferson county ; and such city officers in actual charge of said prisoner, in the event of the escape of such prisoner through the fault or negligence of such officers during the time they held the prisoner, shall be liable for such escape, and shall be punished as is now or may hereafter be prescribed by the State law for an escape.

Prisoners to work stree's.

SEC. 30. Be it further enacted, That the board may pass all necessary and needful laws to compel persons to work upon the streets or elsewhere who refuse to work when being under the sentence of the mayor for a violation of any city ordinance.

City prisoners may be put in county jail.

SEC. 31. Be it further enacted, That in case the said city has not at any time sufficient room for persons sentenced to imprisonment for violation of city laws or ordinances, such person may be confined in the county jail of Jefferson county, Alabama, until the board can provide for the confinement in the city prison ; and while such persons are confined in the jail, the sheriff of said county shall receive for keeping and feeding such prisoners the same compensation allowed him for keeping other prisoners. The city of Bessemer shall be responsible for the payment of feeding the prisoners, which shall be paid in advance, when required by the sheriff.

City to collect poll tax for schools.

SEC. 32. Be it further enacted, That the mayor and aldermen of Bessemer shall have exclusive power and authority to levy, assess and collect all poll tax from the inhabitants of said city liable to pay such tax, to be used and applied exclusively to the public schools of the city; the poll tax collected from the white inhabitants to be for the use and benefit of the free white

schools of said city, and that collected from the colored inhabitants to be for the use and benefit of the colored free schools of the city; said tax to be assessed and collected by such officers as the board may appoint, under such rules and regulations as the board may prescribe, and officers to have the same rights, powers and remedies for the collection of said poll tax as are now given to the tax-collector and other officers of Jefferson county.

Sew'rs through private property.

SEC. 33. Be it further enacted, That said mayor and aldermen of Bessemer shall have the right to build and construct underground sewers through private property anywhere in said city, paying to the owner such damage, if any, as may thereby be done to said property; and for.the purpose of ascertaining such damages, said city may proceed by writ of ad quad damnum as now provided by law in such cases, except that the jury shall consist of only five freeholders of said city, and such jurors shall be entitled to only one dollar per day, each, while serving. The judge of probate shall be entitled for his services only five dollars, and the sheriff to only two dollars and fifty cents for his services, in such proceedings, And in case one continuous sewer is to be run through the lands of several joint owners, the whole may be joined in one proceeding, the damages of any, however, to be assessed to each joint owner separately.

Conflicting laws repealed.

SEC. 34. Be it further enacted, That the present charter of the city of Bessemer, and all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed ; Provided, That no prosecution, suit or claim whatever, pending or to be brought, under existing laws, shall in any manner be affected, impaired or altered by the passage of this act; and all existing laws and ordinances of said city, adopted in pursuance of law, shall be and remain in force until repealed or modified by the mayor and aldermen of Bessemer, and all the powers granted by this act shall and must be liberally construed in favor of the power of the city to pass such laws.

Police jurisdiction.

SEC. 35. Be it further exacted, That the said corporate authorities of the city of Bessemer shall have as full and ample police jurisdiction in every respect over the territory extending for one mile in every di-

rection from the corporate limits of the said city, as is herein given to them over and concerning the territory so embraced within the said corporate limits.

SEC. 36. Be it further enacted, That the present incumbents of the offices of intendent and councilors of the said town of Bessemer shall continue to hold offices as the mayor and aldermen respectively of the said city of Bessemer, and shall act as such, and exercise each and every of the rights, powers and authority herein conferred upon said mayor and aldermen until the first election of mayor and aldermen provided for in this act.

SEC. 37. Be it further enacted, That after January 1st, 1889 it shall be unlawful to sell, barter, give away or otherwise dispose of spirituous, vinous or malt
Liquor license. liquors, or other intoxicating beverages within the corporated limits of said city of Bessemer; Provided, however, That the mayor and board of aldermen of said city be authorized to license, regulate and restrain the sale, giving away and other disposition of spirituous, vinous, malt and other intoxicating liquors, bitters and beverages, in the following described district, situated in the corporate limits of the said city of Bessemer, viz: At a point commencing at the intersection of Seventeenth (17th) street and (5th) avenue, thence along Seventeenth (17th) street to Carolina avenue, thence along Carolina avenue to Short street, thence along Short street to an alley between Carolina and Arlington avenues, thence along said alley to Berney street, thence along Berney street to Berkley avenue, thence along Berley avenue to Burke street, thence along Burke street to Carolina avenue, thence along Carolina avenue to Twenty-second (22nd) street, thence along Twenty-second street to Fifth (5th) avenue, thence along Fifth avenue to the place of beginning.

SEC. 38. Be it further enacted, That the board of mayor and aldermen of said city be, and they are
City bonds. hereby authorized to issue bonds of said city, to an amount not exceeding thirty thousand dollars, for the purposes hereinafter named, in denominations of not less than one hundred dollars, each, and payable fifty years from their issuance, with coupons attached, bearing interest at a rate not exceeding eight per cent. Per annum, and payable semi-annually to bearer, said

bonds and coupons being payable at some place designated by the board.

SEC. 39. Be it further enacted, That the bonds authorized to be issued under the provisions of this act, shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of the city shall be affixed thereto, and the city treasurer shall keep a correct record and account of all such bonds issued and disposed of under this act.

SEC. 40. Be it further enacted, That the mayor and aldermen of said city are hereby empowered to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality, neglect or omissions in the proceedings or record of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and shall be receivable upon and after maturity for all dues to the city in the way of taxes and otherwise.

SEC. 41. Be it further enacted, That said mayor and aldermen are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act; and the proceeds of said bonds shall be paid over to and kept by the treasurer of said city, to be used and applied in building and constructing sewers in said city, and in erecting city buildings in said city, and in grading and making improvements of any and all kinds upon the streets of said city.

SEC. 42. Be it further enacted, That the use, payment and application of said money shall be under the direction of said board of mayor and aldermen of said city, and the said treasurer shall be responsible for the safe keeping of the proceeds arising from the sale of said bonds, which may come into his hands in his official capacity, the same as other city funds, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of bonds named in this act.

SEC. 43. Be it further enacted, That in addition to the powers and privileges herein conferred, the said city of Bessemer shall also have, possess and enjoy all rights, powers, privileges and franchises which may be conferred upon municipal corporations of like character.by the laws of the State. Other powers.

SEC. 44. Be it further enacted, That all laws and parts of laws, general, special or local in any way inconsistent with or repugnant to any of the provisions of this act be, and the same are hereby repealed.
Approved December 12, 1888.

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No. 191.] AN ACT [H. B. 630

To prescribe the civil jurisdiction and regulate the practice in civil cases of the city court of Mobile county.

Whereas, by the usage and practice prevailing in the county of Mobile, the trial of criminal cases has devolved exclusively upon the city court of said county, while the civil side of said court is crowded with civil causes, whereby much delay in the determination of such civil causes have resulted; and

Whereas, it is desirable that to afford suitors speedy remedy for the recovery in said court of ordinary debts and the like, the civil jurisdiction of said court should be limited : Therefore

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act,

Powers conferred on city court of Mobile.

jurisdiction in civil causes at law (except in actions to try titles to land, and in actions for the recovery of damages for injury to reputation, person or property, whether such damages are sought to be recovered for negligence or a breach of duty enjoined by law or by contract with the parties, expressed or implied,) be and is hereby conferred upon the city court of Mobile county, and all powers of a civil nature now exercised by the circuit courts of the State and the judges thereof, not above excepted, be and the same are hereby conferred respectively upon the said city court of said county and the judge thereof.

Trial of civil causes.

SEC. 2. Be it further enacted, That the said city court shall meet for trial of civil causes on the first Mondays of April, July and November in each year, may continue in session for the trial of such causes until the last day of each said months, and any summons or other mesne process may be made returnable

to any Monday in either of said months, which Mondays are hereby made return days of said court.

SEC. 3. Be it further enacted, That in all cases where the presiding judge of said court shall be disqualified from presiding over the trial of any civil cause or the said court from proceeding with such cause, the same may be by said judge transferred to the circuit court for said Mobile county, which court shall have full power, authority and jurisdiction, to hear and determine the same.

When judge disqualified.

SEC. 4. Be it further enacted, That it shall be the duty of the clerk of said city court to issue all necessary summons, upon complaint being filed with him, and all other process which clerks of the circuit courts of the State are required or empowered by law to issue, returnable on the first, or such other Monday, of one of said terms as may be directed by the plaintiff, or his attorney, not beyond six months thereafter, and each defendant shall appear and plead within two days after said return day named in the process, unless the process has been served upon him less than twenty days before said specified return day, in which event he shall appear and plead within two days after the return day next succeeding after said twenty days from said service have expired, if the term extend so long; if not, then within the first three days of the next succeeding term. And it shall be the duty of the clerk to keep a correct record of all matters pertaining to the business of said court, and to keep a docket of causes in which he shall briefly note, on the day thereof, the filing of every paper and the issuance of all process in the cause, and to issue all needful process to enable the court to transact its business in the execution of the civil powers and jurisdiction hereby conferred and prescribed.

Duties of clerk.

SEC. 5. Be it further enacted, That it shall be the duty of the clerk of said court to issue executions upon all final judgments rendered by said court within five days after the final adjournment of a regular term of said court, and all executions or other final process issued to enforce judgments or otherwise, shall be returnable to the next succeeding regular term of the court for civil business.

SEC. 6. Be it further enacted, That it shall be the

duty of the sheriff of Mobile county to attend each
Duties of sher- regular civil term of said court, in person or by deputy,
iff. and to execute all lawful process, orders, judgments
and decrees of said court.

Fees. SEC. 7. Be it further enacted, That the clerk, sheriff, and other officers performing services, or executing process issued from said court, shall be entitled to demand and receive the same amount of fees, commissions, or compensation as is now or may hereafter be prescribed by law for like services done or performed in the circuit court of said county.

Rules of practice. SEC. 8. Be it further enacted. That the judge of said city court of Mobile county may adopt and make such reasonable rules of practice, and alter the same, as he may deem expedient; all such rules to be announced in open court and spread upon the minutes, save where they are already in force, at the passage of this act.

SEC. 9. Be it further enacted. That except as changed by this act the general laws of the State in relation to practice, proceedings and process in circuit courts shall be applicable to said city court.

SEC. 10. Be it further enacted. That the act entitled an act to confer civil jurisdiction upon the city court
Conflicting of Mobile county, approved February 13, 1872, and all
laws repealed. other acts, laws or parts of laws in conflict with this act, be and they are hereby repealed; Provided , that nothing herein contained shall be so construed as to deprive said city court of Mobile county of jurisdiction in any civil cases now pending therein.

Approved December 12, 1888.

No. 192.] AN ACT [H. B. 103

To change the name of the town of Cross Plains, in the county of Calhoun, to Piedmont, and to establish a charter for the town of Piedmont, in the county of Calhoun.

Cross Plains change to Piedmont. SECTION 1. Be it enacted by the General Assembly of Alabama, That the name of the town of Cross Plains, in the county of Calhoun and State of Alabama, be and

the same is hereby changed, and the said town shall hereafter be known by the name of Piedmont.

SEC. 2. Be it further enacted, That the town of Piedmont shall consist of an intendant and five councilmen, who shall be elected annually on the third Monday in December, by the qualified voters of said town, and said corporation shall be known and styled "The Town Council of Piedmont," and by that corporate name may sue and be sued, contract and be contracted with, sell, buy, grant and hold real and personal property, and do all other acts incident to municipal corporations, not inconsistent with the laws and constitution of this State. Intendant and councilmen.

SEC. 3. Be it further enacted. That the corporate limits of said town shall embrace all the territory lying within half of a mile in every direction from the public well of said town, where it is now located. Corporate limits.

SEC. 4. Be it further enacted, That the first election held shall be held on the third Monday in December, 1888, or as soon thereafter as practicable after giving the required notice, and that D. L. Wolff, J. N. Hood, and J. A. Dailey, residents of said town, shall constitute a board of inspectors and managers, and shall act as inspectors and managers of said election, and shall give ten days notice of the time and place of holding the elections, by posting notices in the public places in said town. At such elections and subsequent ones held under this act, the male inhabitants of said town who have resided therein for three months next preceding such elections, and are otherwise qualified electors under the State laws, to vote in State and county elections, are qualified voters and shall be allowed to vote. No person not eligible as a voter shall be deemed eligible to hold an office in such town council. At such first election held under this act, the said board of inspectors and managers are to declare what persons are elected and are to be the judges before whom all matters of contest growing out of the same are triable. At all subsequent elections in said town the sitting board of councilmen are to declare what persons are elected at the same, and are to be the judges before whom all matters of contest growing out of the same are triable. First, election managers of.

SEC. 5. Be it further enacted, That the members

elected to said town council shall, before entering upon the duties of their office, take and subscribe to the oath prescribed by the State law to be taken by persons elected under the State law to office.

Oath of officers.

SEC. 6. Be it further enacted. That said town council shall have full power and authority to define the duties and regulate the compensation of its members and fill vacancies in the board; and, further, it shall have full power and authority to appoint all such subordinate officers as is necessary for the proper enforcement of the town laws, prescribe their duties, fix their compensations, and remove them from office in such manner as they may provide when in their judgment it may be for the good of the town. Further, said town council shall have authority to remove any member thereof, for any of the causes now provided by the statutes of the State, as a cause of impeachment, and removal from office of any officer holding office under the State.

Powers of council.

SEC. 7. Be it further enacted, That said town council shall have full power and authority to pass such by-laws and ordinances for the government of said town as may be deemed necessary, not inconsistent with the laws and institutions of this State, and affix. penalties for the violation of the same, by way of fine or hard labor on the streets of said town, not to exceed fifty dollars in amount and thirty days in duration.

By-laws and ordinances.

SEC. 8. Be it further enacted, That said town council shall have full power and authority within the limits of said town to license, tax and regulate and restrain all shows, theatrical performances, lectures and exhibitions, to license or tax peddlers, to license or tax lotteries, raffles and gift entertainments or undertakings of like character, to license or tax auctioneers in a sum not exceeding ten dollars, to license or tax hacks, omnibuses, drays or other vehicles running for hire in a sum not exceeding ten dollars, to license or tax hotels, eating-houses, restaurants and private boarding houses in a sum not exceeding twenty-five dollars, to license or tax barbers, lawyers, dentists and physicians, practicing their calling, in a sum not exceeding twenty dollars, and to further license and tax all other callings, traders' occupation, professions or

Licenses.

business not otherwise above enumerated that are taxed or licensed under the revenue laws of the State, and not prohibited by any special law now in force in this State.

SEC. 9. Be it further enacted. That said town council shall have full power and authority in said town to suppress gambling and gambling houses and houses of ill repute, and to abate nuisances and to establish a fire department and to regulate the operations of the same, to establish and define a fire limit and prescribe the kind of houses that can be built therein, to open and establish new streets and alleys or discontinue the same, and generally do and perform such other acts as are necessary to carry out the objects and purposes of its creation, not inconsistent with the laws and institutions of this State. Nuisances, etc.

SEC. 10. Be it further enacted. That said town council shall have full power and authority to levy, assess and collect upon all real property in said town an annual tax of not more than five mills on the dollar, on the valuation thereof, as assessed for State and county taxations the preceding year, and a like tax on personal property and other property taxable under the laws of this State for State and county purposes, the sites of which are in said town, the valuation of such subjects of taxation where not assessed the previous year for State and county taxes, to be ascertained and fixed by assessment under the ordinance of said town. Taxes.

SEC. 11. Be it further enacted. That said town council shall keep in repair the streets, sidewalks and alleys of said town, and to this end is authorized to require each male inhabitant of said town between the ages of 18 and 45 years not physically disabled, to perform labor upon said streets for a period of not more than ten days in each year; and may collect in lieu of such labor a street tax of not more than five dollars, and shall have full power and authority to require the owners of real property situated adjacent to the sidewalks in said town to build and keep the said sidewalks in repair in accordance with the requirements of the ordinances of said town, and shall have full power and authority to enact ordinances sind by-laws in reference thereto, providing for the building and repairing thereof, by the town council, to be taxed against and Streets, etc.

collected out of such adjacent property on the failure of the owner to build or repair the same on notice from the town council to do so.

SEC. 12. Be it further enacted, That for the trial and violations of the town ordinances, a court to be presided over by the intendant, and in his absence by an intendant pro tern, shall be established and regulated by the ordinances of said town, which court shall have the authority to enforce obedience and respect to its orders, decrees and judgments, that are incidental and common to courts of justice in this State. The intendant shall, on giving bond and qualifying, as a justice of the peace, and his jurisdiction shall be, co-extensive with the corporate limits of said town, and the marshal or executing officer of said town shall have full power and authority to arrest violators of town ordinances without warrant, and in default of bail to commit them to the guard-house to await trial before the intendant.

Intendant's court.

SEC. 13. Be it further enacted, That upon the completion of the assessment of property for taxes by the authorities of said town, the said council shall appoint a day and give due notice thereof, to hear complaints and errors in such assessments, and upon the approval of such assessments, the same shall be a lien upon the property so assessed, for the amount of the taxes due from such tax-payers, and such lien shall be enforced by levy and sale, in the manner in which the State lien for taxes is enforced.

Assessments.

SEC. 14. Be it further enacted. That all laws in conflict herewith be acd are hereby repealed

Approved December 12, 1888.

No. 193.] AN ACT [s. 126

To establish a new charter for the city of Huntsville.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the city of Huntsville, in the county of Madison, shall be and continue a body politic and corporate by the name of " The Mayor and Aldermen of the city of Huntsville," and

Corporate name.

by their corporate name may sue and be sued, grant, receive and do all other acts as natural persons in respect to the powers herein granted, may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said city, and may have and use a city seal, which may be broken or altered at pleasure.

SEC. 2. Be it further enacted. That the corporate limits of the city of Huntsville shall embrace an area of one and a half (1½) miles square, whose centre shall be the centre of the public square in said city, and whose four boundary lines, each of which shall be one and a half miles in length, shall run parallel with a corresponding boundary line of the present public square of said city, and be equi-distant east, west, north and south from the public square; and said corporate limits shall also embrace the whole of the ground heretofore purchased by the corporate authorities of said city, to be used as a cemetery or burying ground for the colored people, and also any other grounds which the said authorities may hereafter purchase or acquire for the purpose of using the same as a cemetery or burying ground, and the mayor and aldermen of said city are authorized to purchase or otherwise acquire suitable grounds out of, or within the present limits of the city to be used as cemeteries or burying grounds, and the grounds so purchased or used, shall thereby become incorporated within the limits of the city, and the corporate authorities shall have control and jurisdiction thereof. Corporate limits.

SEC. 3. Be it further enacted. That the said city of Huntsville shall be divided in four wards, as follows : Ward No. 1, shall embrace all that portion of the corporate limits which lies west of Jefferson street, and north of that part of Randolph street, which is west of the public square and north of the spring branch, and east of Blue Spring branch. Ward No 2, shall embrace all that portion of the corporate limits which lies east of Jefferson street, north of the public square, and north of that part of Randolph street which is east of the public square. Ward No. 3, shall embrace all that portion of the corporate limits which lies south of the public square, east of Henry street to its intersection with Gallatin, and all that which is north of Wards.

Dry Creek. Ward No. 4, shall embrace all that part of the city which lies south of Dry Branch to the intersection of Henry street, and all west of Henry street, up to the spring branch, thence out above said spring branch to the intersection of Blue Spring branch, and all west of said Blue Spring branch. That the said city council shall have power to increase the number of wards in said city, and to alter and change the limits of said wards as necessity and convenience shall, in their judgment, require.

SEC. 4. Be it further enacted. That the government of said city shall consist of a mayor and eight aldermen. For each ward of said city there shall be elected by the electors residing therein, having the qualifications as electors hereinafter prescribed, two aldermen who shall be residents of said wards. The aldermen in the 1st and 4th wards shall be elected on Tuesday after the first Monday in April, 1889, and shall serve for four years from their election, or until their successors are elected and qualified. The aldermen in the second and third wards shall be elected on the first Monday in April, 1891, and shall serve for four years Torn their election, or until their successors are elected and qualified, and every two years thereafter there shall be elected four aldermen who shall serve for four fears, and until their successors are elected and qualified, so that one-half of said aldermen shall come in is the others go out. At the first regular meeting of the mayor and board of aldermen after the election for aldermen held on Tuesday after the first Monday of April, 1889, and every two years thereafter, and after the recently elected aldermen shall have been qualified, it shall be the duty of the board of aldermen to elect by a viva voce vote, a mayor for the city of Huntsville, who shall serve for two years, or until his successor is elected and qualified. The mayor shall be chosen by a majority vote of the aldermen elected and serving as such. The aldermen shall be elected by ballot, by the male inhabitants of said city who shall have resided therein for three (3) months, and in the ward thirty days next preceding such election, and who shall have been duly registered as hereinafter prescribed. It shall be the duty of the sheriff of Madison county to hold and conduct such elections in the

Mayor and alder; election of,etc.

same manner as elections for members of the general assembly are held and conducted. Said sheriff shall give ten days notice of said election by publication in some newspaper published in the city of Huntsville, giving notice of the appointed place and places of voting. The mayor and board of aldermen must designate the place or places within the several wards of the city where the elections are to be held, and it shall be the duty of said mayor and board of aldermen to open at least one poll in each ward for said election, and two polls may be opened in any ward if deemed necessary by the mayor and aldermen. But if said mayor and aldermen shall fail to appoint such place or places of voting in each ward, then said election must be held at such place or places within each of said wards as such sheriff may appoint. The said mayor and aldermen shall appoint three inspectors and a returning officer for each voting place in each ward, all of whom shall be residents for the respective wards for which they are appointed, and who shall severally take and subscribe an oath faithfully and honestly to perform their respective duties, fairly to hold and conduct such election and fairly and truthfully to make and certify the returns of the results thereof. The said inspectors shall certify the result and poll list of said election to the sheriff of said county, and sealed up in a box, shall deliver the same to the returning officer to be by him delivered to the sheriff of the county. Within one day after receiving the returns of said election, it shall be the duty of the sheriff to open the same in the presence of the judge of probate of the county and the clerk of the circuit court, or one of them, and in the presence of any qualified elector who desires to be present, and declare the results of said election, and shall give to the persons ascertained to be elected a certificate of election. The persons so elected, shall before entering upon the discharge of the duties of their respective offices, take an oath before the judge of probate of the county, or any other officer authorized to administer an oath, to discharge without favor or partiality, the duties of mayor or aldermen of the city of Huntsville. A copy of said oath must be preserved in the probate office of Madison county, Alabama. If any

two or more persons shall have an equal number of votes, the said sheriff shall give the casting vote and thereby determine the election. Within one day after the holding of such election, the said inspectors and said returning officer must make to said sheriff the returns herein provided for. If from any cause the said election shall not be held on Tuesday after the first Monday in April, the said sheriff shall as soon as practicable, appoint another day for holding such election, not more than thirty days after such regular day, of which he shall give like notice, and on the day so appointed shall open and hold such election in the manner that he holds an election for members of the General Assembly of the State of Alabama; and if from neglect or failure of the sheriff, or from any other cause, an election for aldermen, or either of them shall not be held on the regular day therefor, nor within thirty days thereafter as above proyided, then the mayor of the city shall appoint a day for holding such election, not more than sixty days after such regular day, of which he shall give the same notice, and on the day so appointed, shall hold such election in the same manner as is above provided, and for the purpose of holding and completing such election, the mayor shall be invested with all the powers, and be subject to all the duties, of the sheriff as above set forth. The mayor and aldermen elected under the provisions of this act shall not hold their respective offices for more than two terms in succession by virtue of an election.

Limited to two terms.

SEC. 5. Be it further enacted. That no person shall hold the office of mayor or alderman of said city who has not resided therein for one year next previous to the election, and the aldermen must be residents, at the time of the election, for not less than six months, of the ward for which they are elected.

Residence in city and ward.

SEC. 6. Be it further enacted. That the ballots cast at any election under this act, shall, after being counted, be carefully sealed up by the inspectors, and deposited by them with the city clerk, who shall preserve the same for twenty days after the result of said election is declared, and if there be no contest, the said city clerk shall cause the same to be burned in his presence and that of the mayor ; but in the event of a

Disposition of ballots.

contest they shall be delivered to the judge trying the same.

SEC. 7. Be it further enacted, That any election held under this act may be contested in the same manner as is or may be provided by the laws of the State for contesting the election of a probate judge ; and all the provisions of such laws in relation to contesting the election of a probate judge shall, so far as the same are, or may be applicable, apply to contests of any election held under this act. Contests.

SEC. 8. Be it further enacted, That if the mayor or any alderman during his term of office, and after qualifying, shall die, resign, remove from the corporation, or from the ward in which he was elected, refuse to act, or be personally disabled from acting, the remaining members of the board shall by ballot elect in his seat another mayor or alderman, who shall have the qualification prescribed in this act, and shall continue in office during the remainder of the time, and until his successor is elected and qualified; and if any person elected mayor or alderman by the qualified voters of the city, at any election held under this act, shall refuse to qualify, the said sheriff shall, after giving ten days notice by advertisement in one of the newspapers published in Huutsville, hold an election to supply the vacancy of such alderman, which election shall be conducted in the same manner as the regular election of mayor and aldermen. Vacancies.

SEC. 9. Be it further enacted, That the aldermen shall be judges of the qualifications of the mayor, and remaining aldermen shall be the judges of the qualifications of an alderman. Judge of qualifications.

SEC. 10. Be it further enacted. That at least sixty days before Tuesday after the first Monday in April, on which the election is to be held, it shall be the duty of the mayor and aldermen to appoint one person for each ward or place of registration to act as registrar of votes. Said registrars shall respectively commence registration on the first Monday in March preceding the election, and shall continue the same until within five days of said election, at which time said registration shall be closed. Each of said registrars shall give at least five days notice by advertisement in some newspaper published in the city of Huntsville, of his Registrars and registration.

appointment, and of the time and place he will attend and make registration of votes, which notice must also state when said registration will close ; and should any of the registrars so appointed fail to act, or from any cause a vacancy should occur in said appointment, then the board of mayor and aldermen shall appoint some other person in his stead. Before registration is made of any applicant therefor, said registrar must be satisfied by personal knowledge or sufficient evidence that such applicant has resided at least three months in the city of Huntsville, and thirty days in the ward in which he proposes to register, and that he will be legally entitled to vote at the next ensuing election for municipal officers of said city, according to the requirements of 4th section of this act; Provided, any voters become of age within five days before the election shall be allowed to register. Said registrar being satisfied of the qualifications must place the name of the applicant upon the registration list, together with his color, profession, occupation or employment, and the ward of his residence. The names of parties regstering shall be numbered in the order of registration, and said registrar must furnish a person so registered certificate of his registration, and signed by the regstrar, stating the ward of his residence, with the date and number of registration. The right of any person to be registered as a voter may be challeged in the same manner as hereinafter provided for the challenging of any person who may claim the right to vote at my municipal election of said city. And in case the registrar is in doubt and cannot decide for himself any matter pertaining to his duties as registrar under this act, then said registrar shall take advice of the city attorney upon such matters. Each of said registrars shall carefully preserve the original registration list of the voters registered by him, and make or cause to be made a correct copy thereof with the names alphabetically arranged. The original list the registrar shall certify over his own signature, and immediately after he closing of the registration shall deliver both said original and said copy to the clerk of the city of Huntsville ; said clerk shall carefully compare the copy with the original, and finding the same correct, shall file the original list in his office, and after certifying over his.

own official signature the copy to be correct, deliver the same to the inspectors of each ward before the polls open on the day of election. Each applicant for registration shall be sworn by the registrar as to his qualifications as a voter, if the registrar has any doubt as to the same. The mayor and aldermen shall provide the compensations of registrars and the clerk of the city for services rendered in this connection.

Affidavit of registrars.

SEC. 11. Be it further enacted. That before entering upon the duties of his office each registrar shall make and subscribe an affidavit before the mayor, or some officer qualified to administer oaths, that he will carefully perform the duties of registrar by this act imposed on him, and that he will honestly, without fear, favor, affection or prejudice, and without reward or the hope thereof, cause registration to be made for all persons who may personally apply therefor, and who are entitled to be registered. Said affidavit shall be filed in the office of the city clerk. Upon every wilful violation of their duty as such registrar, they shall on conviction pay a fine of not less than one hundred, nor more than two hundred dollars for the use of the city of Huntsville.

Election inspectors; duties of.

SEC. 12. Be it further enacted. That the inspectors of said election shall not receive the vote or ballot of any person whose name does not appear on the certified copy of the registered votes furnished them by the clerk of the city court, and who does not at the time that he offers to vote present and surrender to the inspectors of election his certificate of registration, to be by said inspectors cancelled, and does not on demand make satisfactory proof of his identity, For the purpose of such election the certified copy of the registration list furnished by the city clerk to the inspectors of the different wards shall be taken to be correct in all things, but subject, if error is alleged: to be corrected on comparison with the original list on file in the mayor's office. Upon the receipt of any vote by the inspectors, they shall draw a line with red ink on the registration list in their custody over the name voted. Said inspectors, immediately after the polls are closed, shall proceed to count the ballots cast at their respective polling places, and certify the same as required by section 4 of this act. They shall

also enclose the certificates of registration surrendered at the election, with the poll list. Any qualified elector of the ward in which any person proposes to vote, shall have the right to challenge such person so offering to vote, who he may know or suspect is not entitled and duly qualified as an elector, to vote at the ward where he offers to vote. When such challenge is made, one of the inspectors must swear the person offering to vote as to his qualifications, in the form of oath prescribed by the State law. If the person refuses to take the oath prescribed, or if he fails to establish his identity or residence, his vote shall be registered and the ballot marked with his name shall be laid aside.

Quorum.

SEC. 13. Be it further enacted. That the majority of mayor and aldermen shall coustitate a quorum for the transaction of business. The board of mayor and aldermen shall fix their own sessions, and special meetings of the board may be called by the mayor at his option, or by any two of the aldermen. In case of the sickness or temporary absence of the mayor, or when he is incompetent or declines to act on account of relationship to any party, the aldermen may appoint one of their own members to act as mayor during such sickness or absence, or in any case or proceedings in which the mayor is incompetent or declines to act on account of such relationship; and such mayor pro tempore, shall exercise all the powers and perform all the duties as mayor, but the mayor shall not vacate his office by reason of any temporary absence from the city or State.

Corporate authorities jurisdiction and powers of.

SEC. 14. Be it further enacted. That the corporate authorities of the city of Huntsville shall possess and exercise civil, criminal, and police jurisdiction within an area of two miles square from the centre of the public square in the city of Huntsville, equi-distant north, south, east, and west; and the mayor shall possess within said limits all the powers and jurisdiction of justice of the peace in civil and criminal cases, and be subject to all corresponding duties and responsibilities ; and for his services in such cases, shall be entitled to the fees which are or may be allowed by law to justices of the peace ; and his signature or act as mayor in such cases, shall be of equal force as if done

by him expressly as a justice ; and from any judgment or decision of the mayor sitting as justice of the peace the party desiring it may take an appeal or certiorari to the circuit court for the county of Madison, under such rules and regulations as are or may be prescribed by the laws of the State for a certiorari or appeal from the judgment of a justice of the peace ; Provided,, the mayor shall not be required to take the jurisdiction of or try or determine any cause civil or criminal as ex officio justice of the peace, that has not already come before him as mayor; and provided further, that when a person has been arraigned before the mayor for a violation of an ordinance of the city, if any further prosecution is instituted by the State against the same person on affidavit, it shall be before the mayor as ex officio justice of the peace. He shall moreover as mayor have exclusive original jurisdiction to hear, adjudge and determine all suits, prosecutions or other violations of the charter, ordinances or by-laws of the corporation. He shall have jurisdiction of all proceedings by motion, scire facias or other suits, or any penal bond payable to the mayor, or mayor and aldermen, taken under this act, or the ordinances of said corporation, including proceedings and suits against the officers of the corporation and the sureties on their official bonds, for non-payment of taxes or other moneys collected or received, or for other delinquencies or defaults in office ; and upon the judgment of the mayor in any branch of his jurisdiction as mayor or justice, execution, capias or other appropriate process may be issued by the clerk of the corporation, directed to and to be executed by the marshal, which shall have the force and effect of an execution or appropriate process, as the case may be, from any of the circuit courts of the State, and shall be executed by the marshal in the same manner as executions, capias or other process are executed by the the sheriff for such circuit court.

SEC. 15. Be it further enacted. That it shall be the duty of the mayor to see that the laws of the corporation be duly executed; he shall hold a court as often as may be necessary for the trial of offenders against its laws and ordinances, and other causes brought before him; he shall report to the board the negligence, in- Duties of mayor.

capacity or misconduct of any officer of the corporation ; he shall recommend from time to time in writing such alteration in the laws of the corporation, or measures for its good government or interest, as he may deem necessary and proper; he may in case of disturbance of the peace, or invasion or insurrection, or whenever in his opinion the peace and security of the city requires it, call on the sheriff of the county for aid in preserving the peace by the use of all means which the law confers on the sheriff as peace officer, and the mayor may also call on the volunteer and militia companies in the city for its defense ; he shall preside at all meetings of the board when present; he shall perform such other duties as the board may prescribe, and has authority, while holding this court to punish any contempt of his court by fine and imprisonment or either, but the imprisonment for such contempt shall not exceed five days, and the fine shall not exceed fifty dollars.

SEC. 16. Be it further enacted. That the mayor and aldermen shall have the power to appoint a city mar-

Officers to be appointed.

shal, clerk, treasurer, collector of taxes, assessor, and such other officers or agents as may be necessary and proper to execute the powers conferred on the corporation, or as may be deemed proper for the government of the city; to prescribe their duties, liabilities and powers ; to require of them bonds, with such amounts as may be deemed expedient for the faithful discharge of their duties; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time any or all of said officers or agents, a majority of the board concurring in such removal, and to fix and to regulate, from time to time, the compensation or salaries of all the officers of the corporation, including that of the mayor ; but no increase in the salary or compensation for the mayor or aldermen shall take place during the term of office in which said increase is made. The officers of the corporation shall continue in office (unless removed) for two years from date of their election, and until their successors are qualified; but the board may, at any time, repeal, alter or amend the ordinances creating or employing said officers or agents, or regulate their duties or compensation, and may fill all vacancies that may occur in

said offices. The clerk, assessor, collector, treasurer and marshal, and all such other officers as the board may require to give bond, shall, before entering upon the discharge of their duties, give bond, with sufficient security, to be approved by the board (payable to the mayor and aldermen in such penalty as may be prescribed by the board) with condition to discharge faithfully all the duties of such office, on which bond suit and recovery may be had before the mayor, or any other court having jurisdiction, in the name of the mayor and aldermen for the use of the corporation, or the person injured; and said bond shall remain for the breaches of its conditions. And the mayor and aldermen may provide summary remedies, by motion or otherwise before the mayor, against the officers of the corporation and their sureties for any official default or neglect. Boards of officers.

SEC. 17. Be it further enacted. That the city clerk shall keep a regular record of the proceedings, orders, regulations and ordinances of the board, which shall be read to the board and signed by the mayor or presiding chairman, and the same shall have force and effect in a record, and a copy therefrom, certified by the clerk, shall be prima facie evidence in any court of record or elsewhere, and said record shall, at all times, be open for inspection. The clerk shall also keep a docket of all the causes instituted before the mayor, and noting and endorsing the orders, judgments, etc., therein, and the date of the issuance and delivery of original and final process, the delivery and the return thereon, or the substance thereof; and in another book he shall keep a minute or record of the orders, judgments, etc., in all causes before the mayor as such ; he shall keep a separate docket and a record or minute book of the cases instituted before the mayor as a justice of the peace, which shall be kept in the same manner as above provided in reference to the causes before the mayor as such; and the said clerk shall make full indexes, direct and reverse for all his said books ; and he shall keep and preserve a regular file, as well as the papers in all suits or cases before the mayor as such, or as a justice of the peace, as all other papers belonging to the board, and the said dockets, records, indexes and files shall be open for public in- Duties of city clerk.

spection, under such rules and regulations as the board may prescribe; and the said clerk shall perform all such other duties and prepare and keep all other dockets, books and papers that the mayor and board of aldermen may direct.

Duties and powers of marshal.

SEC. 18. Be it further enacted. That the city marshal shall have and possess within the limits set forth in section 14 of this act, all the powers and rights of constable, under the laws of the State; ai;d shall be entitled to the same fees for like services. He shall possess within the said limits, in preserving the peace and making arrests, all the powers of sheriff as a peace officer. He shall execute the orders, notices, and processes of the board to him directed, and all warrants, precepts, executions, and all processes from the mayor's court, and perform such other duties as the board may prescribe, and be subject to all the liabilities and remedies which they may provide. The mayor and aldermen may allow to the marshal such salary or compensation, in addition to the specified fees to which he may he-entitled, as they deem proper; and in all cases when the marshal is a party to any suit or proceeding before the mayor, the mayor shall appoint some person to act as special marshal.

Powers of Mayor and Alderman

SEC. 19. Be it further enacted. That the said mayor and aldermen shall have power and authority to declare, prevent, abate, condemn and remove nuisances, either with or without notice, which the mayor and aldermen must determine from the character of the nuisance, and the extent it endangers public health ; to pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from originating or being introduced into said city, and to regulate the mode and manner in which privy sinks and water closets connected with vaults shall be dug or used in the city, and to prohibit the same ; to establish, control and regulate a sufficient quarantine in the city, and within ten miles thereof, and to punish any breach of quarantine laws; and to appoint health officers, prescribe the duties and fix the salaries and compensations of all such health officers as they deem necessary under the existing health laws of the State ; and provide places for the reception of the sick ; to erect a hospital, house of correction, calaboose or jail,

city hall, or any other buildings or work house necessary or expedient for the use of the city, or join with the county of Madison in any such erections by contract made with the proper authorities of the county; or to acquire by lease, purchase or other contract, or in any other way, the use of houses or buildings for any purpose necessary or convenient for said city ; to erect lamps and light the city with electricity or gas; to establish night watches and patrols ; to license and regulate retailing of liquors within the corporate limits, and to provide for annulling and revoking such licenses on good cause being shown; to close up retail establishments for such time as they deem necessary ; to prevent the retailing of spirituous liquors within the corporate limits whenever they deem it expedient; to erect and repair bridges; to construct drains and sewers and keep them in repair ; to establish fire wards and fire companies, and to provide for the prevention and the extinguishment of fires ; to regulate partition fences, and to determine by whom they shall be kept in repair; to prohibit and disperse all unlawful and disorderly assemblies ; to license and regulate hawkers and peddlers, and for good cause to annul their license ; to license, restrain and regulate theatrical and other exhibitions, or shows for money, of whatever character, kind or name ; and also lectures, and concerts for pay, except lectures and concerts for charitable purposes; to license and regulate hackney coaches, hacks, carriages, wagons, carts and drays running for hire within the corporate limits ; to license and regulate pawnbrokers, auctioneers and keepers of livery and sale stables and stockyards; to license and regulate itinerant merchants and street venders of every description ; to license and regulate insurance and express companies ; telegraph companies; dealers or traders in sewing machines, machine companies and sewing machine agents ; to license beer shops, billiard rooms and ten pin alleys ; to fix the price of all taxes, or all licenses granted by the corporation, and to enforce the collection of the same ; to restrain and prohibit gambling and gaming houses and houses of ill fame ; to establish and regulate markets, and to rent out stalls in the same ; and prohibit the sale of meat, poultry, fish or game except at the public market or markets ; to

preserve, manage and regulate all burying grounds, or cemeteries belonging to the corporation, and to remove them, and to establish, regulate and manage new ones ; to sink and keep in repair public wells, to erect and repair hydrants and pumps, to prevent and punish violations of the sabbath ; to prevent stock of any kind from running at large in the public streets or alleys of the city ; to regulate the fencing or inclosing of any vacant lot, in said city ; to cause to be taken from time to time a census of said city ; to keep in repair, improve and enlarge the streets, alleys and avenues in said city. To improve, alter, change, pave, gravel and enlarge the side walks of the city under such terms, conditions and regulations upon property owners, fronting on the side walks to be improved, as the mayor and board of aldermen may deem just and proper; to set out shade trees on the public streets, and the public square aad have the same protected with substantial frames. To discontinue and close the streets, avenues and alleys when expedient, to widen or change their direction and open new ones ; to regulate weights and measures ; to erect public scales houses, and to appoint weighers and measurers ; to purchase all such real estate and personal property as may be deemed necessary and proper for the use and improvement of the city, and to provide for the payment of the same, and to sell the real estate belonging to the city whenever the same is advisable ; to construct, erect and manage water works, reservoirs, electric liglit plants, and gas works, for the purpose of furnishing water or lights for said city. To provide for the measuring of gas and appoint an inspector for the gas meters ; to gravel, macadamize, or otherwise improve any street or part thereof. To adopt a general system of sewerage, and for that purpose if deemed expedient and proper the mayor and board of aldermen may issue bonds of the city of Huntsville to an amount not exceeding twenty thousand dollars to some such time not exceeding twenty (20) years from their date, and to bear such interest not exceeding six (6) per cent per annum, as may be determined by the mayor and aldermen. The bonds to be issued under this act shall be coupon bonds, bearing interest payable semi-annually at such place

as may be designated therein, and shall be issued under the corporate seal of said city, and be signed by the mayor and countersigned by the city clerk ; and none of said bonds shall be of a lower denomination than one hundred dollars nor more than one thousand dollars, and shall not be sold or disposed of by said mayor and aldermen for less than par: Provided, that not more than one half of the amount of bonds provided for in this act shall be issued in one year ; and provided further, that the proceeds of the sale of said bonds shall be exclusively appropriated for the enlargement or improvement of the sewerage system and the improvement of the streets, avenues and alleys in the city of Huntsville. To prevent and prohibit the erection of wooden buildings within such limits as they may deem expedient; to provide for the removal of such buildings already erected within such limits at the expense of the city, and on making just compensation to the owner ; to establish a jail or guard house for the imprisonment of the offenders against the laws of the corporation ; to enact ordinances, giving to the lessor or renter of any dwelling house, store house, shop or any other building, or real estate whatever, within the city, a lien upon all or any part of the property, of whatever kind or character, contained thereon and belonging to the lessee or person renting, to secure and pay the rent; and to prevent the removal of the same, until the rent is paid ; and to give the mayor jurisdiction to enforce said lien by attachment or other summary proceedings, reserving in such cases the right of appeal from his judgment to the circuit court; to establish and regulate free public schools for the tuition of children residing in the limits set forth in section 14, of this act, and to employ teachers for the same at suitable salaries, subject to the school laws of the state ; to prohibit riots, routs, affrays, assaults and batteries, disorderly conduct and all breaches of the peace and misdemeanors ; to provide for the punishment by fine or by fine and imprisonment, or by work on the street or other work of the city, of any breach of the by-laws, or ordinances of the corporation ; but no fines shall exceed one hundred dollars, and no imprisonment or work on streets or other works of the city, shall exceed fifty

days, and to provide in cases where fine and costs are not paid by the party convicted or judgment confessed with sufficient surety, that the party so in default shall work out such fine and costs under the direction of the superintendent of streets ; provided, the time for such work shall not exceed fifty days and the convict shall be allowed a credit of not less than forty cents per day for his labor, until fine and costs are discharged ; and to pass all such laws, by-laws, and ordinances, as may be necessary and proper to execute the powers in this charter granted, or as may be expedient for good government of the city, and not contrary to the constitution and laws of the state, or to restrictions in this act expressed.

SEC. 20. Be it further enacted, That the mayor and aldermen shall have authority to cause all vagabonds, idle or disorderly persons, all persons of ill fame, and such as have no visible means of support, or likely to become a public charge as paupers, or are found begging or drunk, in or about the streets, or who can show no reasonable business or employment in the city, or who have no fixed place of residence, or cannot give a good account of themselves, all who are grossly indecent in language or behavior, publicly or in the streets, and all prostitutes, or such as lead notoriously a lewd, lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnify the city against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined to labor for a limited time, not exceeding ten days in any one month, unless such security shall be sooner given, which labor shall be such as may be designated by the mayor and aldermen for the benefit of said city, and if such person shall be found afterwards so offending, such security may be again required, and in want thereof, the like proceedings may be had, from time to time, as often as may be necessary in each and every month.

Vagrants.

SEC. 21. Be it further enacted. That whenever the mayor and aldermen of the city of Huntsville deem it expedient and necessary and to the public good to widen, change or extend a street, lane, avenue or alley, or to open and establish a new street, or to establish a reservoir, said mayor and board of aldermen shall make and cause to be

Streets, alleys, etc.

entered on the minutes of the board an order to that effect; thereupon it shall be the duty of the mayor, and in the absence or sickness of the mayor, of one of the aldermen to make a written application to the probate court of Madison county, Alabama, for an order of condemnation thereof to such uses. The application must state the date of the order made by the mayor and aldermen, the name and residence of the person or persons if known whose land is sought to be condemned for public use, and whether the same are married women or minors, the uses or purposes for which the land is to be taken, or the interest or easement therein to be acquired. On the filing of such application the probate court shall make and enter an order appointing a day not more than ten days for hearing thereof. If the owner of the lands is a resident of the State, must issue to him notice of the application, the character and purpose of the same, and the day appointed for the hearing thereof, which notice must be served by the sheriff at least five days before the time appointed for the hearing. If the owner be unknown, then the court must give notice of the application and the time appointed for the hearing by publication for three successive weeks in some newspaper published in Madison county. If the owner be an infant, or be of unsound mind, notice must be served on his guardian if there be one resident in the State, but if he resides in the State and has no guardian, then upon the person who may have him in charge, or with whom he may reside. If the owner be dead, notice must be served upon the representative. If there be no representative, then upon the heirs at law or the person in charge of the property sought to be condemned. If the owner be a married woman, then the notice must be served on her and her husband. Two or more owners on a continuous street to be established or improved may be joined in the same application and be heard by the court at the same time, the damages to be assessed to each owner respectively. The court must make an order to the sheriff of Madison county commanding him to summon not less than seven nor more than twelve good and lawful men, inhabitants of the city of Huntsville and freeholders not directly interested in the lands or lots through which such street, lane or alley is to be widened, extended or opened, or

upon which said reservoir is to be erected, having the qualifications of jurors prescribed by the laws of the State of Alabama, to be and appear before the court on the day appointed by him to hear and consider the application, and from the persons so summoned a jury of seven (7) good and lawful men must be sworn by the court, and impanneled to ascertain and assess under the charge of the court and the evidence, the compensation or damages the owner of land is entitled to receive because of the land proposed to be taken, or because of the interest or easement therein proposed to be acquired. On the rendition of the verdict by the jury the probate court must make and enter on the minutes of the probate office an order of condemnation in pursuance to the verdict. If from any cause a jury cannot be obtained from the jurors so summoned or ordered to be summoned, the court shall order the sheriff to summon talesmen until the jury is completed. Each land owner shall be entitled to three challenges and the mayor and aldermen of the city of Huntsville to two challenges. After order of condemnation, and before such street or alley shall be changed, opened, widened, extended or established, or before land shall be taken possession of for the purpose of a reservoir, the mayor and aldermen shall first pay to the owner, his agent or representative, or the court, the amount of damages assessed, or make a tender of the same; and for the purpose of carrying out the provisions of this section the board of mayor and aldermen may adopt such rules and regulations on the subject, not inconsistent herewith, as they may deem expedient. Either party may appeal from any assessment or damages made under the provisions of this section to the next term of the supreme court of Alabama within thirty days from the making of such assessment; provided, said appeal shall be a preferred case on the docket of the supreme court. The order of condemnation after the amount of damages shall have been paid or tendered, shall vest in the mayor and aldermen the easement proposed to be acquired in the land, and an appeal on the part of the land owner or mayor and aldermen shall not prevent the city authorities from preceding in the work contemplated in this proceeding; provided, however, if the land owner should appeal the mayor and aldermen, shall give a bond payable to said land owner in double the amount of the

assessment, before said mayor and aldermen can proceed with said work. Said bond to have two good and sufficient sureties to be approved by the judge of probate. The hearing, trial and all proceedings herein provided for shall in all respects be conducted in the same manner as proceedings before the probate court now provided by the laws of Alabama for the condemnation of lands for public use except where the same conflict with the proceedings of this act; Provided, that the jurors summoned shall be entitled to one dollar per day each while serving. The judge of probate for his services shall be entitled to two dollars and a half in each case, and the sheriff to two dollars for his services.

Prisoners compelled to work.

SEC. 22. Be it further enacted. That the mayor and aldermen of the city of Huntsville, may pass all necessary and needful laws to compel persons to work on the streets or elsewhere who refuse to work when being under the sentence of the mayor for a violation of any city ordinance, or failure to perform any other duty, required by the laws of the city.

Prisoners violating State law.

SEC. 23. Be it further enacted. That whenever any person is in custody of the authorities either before or after a conviction of a city ordinance, and is held for such by said city, and such prisoner is charged with the violation of a State law, such prisoner shall be held by said city authorities until legally discharged, or until his sentence has been performed, except in cases when said person is demanded by the State authorities under a charge of felony. And the said city authorities shall then deliver such prisoner to the sheriff of Madison county.

City officers not to deal in city claims.

SEC. 24. Be it further enacted. That it will be unlawful for any city officer by himself or his agent to purchase, deal in or traffic in any manner in a claim, debt, warrant or script due from the city, or to have any interest in any contract let out by the city, and any city officer found so dealing or having such interest, shall be guilty of a misdemeanor, and on conviction shall be fined not lesss than twenty nor more than fifty dollars, and may be tried before a justice of the peace. But nothing herein contained shall prevent an officer from selling the claims he may acquire directly from the city, or from receiving in good faith any city claims in payment of a debt due to him, or from purchasing in good faith so

much of said claims as may be necessary to pay his taxes and licenses for current year.

Levying of taxes.

SEC. 25. Be it further enacted, That the said mayor and aldermen shall have authority to levy taxes on the real and personal estate within said city, except such is or may be exempt from taxation under the laws of the State, or the United States, on auction, and sales of merchandise, on capital employed in business in said city, or incomes of persons residing therein, or itinerant or tran sient merchants, or any business profession, trade or calling carried on in said city, and on all other subjects of taxation within said city on which State taxes are now or shall hereafter be levied by the laws of Alabama.

Rate of tax.

SEC. 26. Be it further enacted, That the said tax on real and personal estate shall not in any one year exceed one and one-half of one per cent on the value of such property as assessed for State taxation during the preceding year, and shall be levied according to assessment and valuation of property taxed, made by the assessor under such rules and regulations as the board may prescribe, which said assessment and valuation the mayor and aldermen shall have authority to review and correct as they may deem just and proper. In making assessments the rule of assessment shall be the cash value of the property assessed.

Working on streets.

SEC. 27. Be it further enacted. That the mayor and aldermen shall have authority to require all persons who have resided in the city for thirty days to work the public streets at least five days in each year, except females and all male persons under the age of eighteen and over fifty years of age, and all maimed or disabled persons who shall procure a certificate from a respectable physician in the city of Huntsville, that they are physically unable to perform the labor required ; Provided, that any person so required to work the streets may relieve himself from so working by paying into the city treasury the sum of three dollars; and all moneys so collected shall be exclusively used by the board for the improvement of the side-walks of the city and for planting out shade trees; Provided, that the mayor and aldermen shall have authority to pass ordinances and regulations prescribing the time when such persons who are liable to work the streets shall be called on, what notice shall be given, and to pass all laws necessary to enforce fully this provision. Any

person liable to work the public streets of the city, who fails or refuses after legal notice either to pay the sum of $3.00 or to work the public streets under the street superintendent or some one else appointed by the board, without a good and sufficient excuse therefor, must on conviction before the mayor, who has full authority to hear and determine all such cases, be fined not less than five and not more than ten dollars; and should he fail presently to pay such fine and costs, or to confess judgment for the same with two good and sufficient sureties to be approved by the clerk of the city, payable within thirty days to the mayor and aldermen, then he shall be sentenced by the mayor to hard labor on the streets under the control of the street superintendent, or some one else appointed by the board, for not less than five nor more than ten days. The mayor and aldermen are authorized to pass all by-laws and ordinances for the arrest of persons liable to work on the streets and who refuse to comply with the requirements herein, and to provide for all judgments nisi and forfeiture of bonds.

Tax on merchandise, etc.

SEC. 28. Be it further enacted, That said mayor and aldermen shall have power to require merchants, auctioneers, commission merchants, and other persons liable to pay taxes on sales of goods, wares and merchandise, to pay annually a tax on the gross amount of their stock on and, not exceeding such tax as may by the laws of the State be levied on such stocks. On all transient merchants, peddlers and auctioneers, or other persons not having a permanent residence in said city, who may in said city engage in making such sales, said mayor and aldermen may impose a tax, either on the privilege of engaging in such business in said city, or on the value of the goods by them offered for sale, or on the amount of their sales to be paid at such times as they may appoint, and if said person shall remain in said city for the space of twelve months, engaged in business, they shall be entitled to pay the tax on gross sales annexed, as herein provided for, and to deduct therefrom of the taxes paid, and to a return of any excess of such tax as they may have paid.

Collection of taxes.

SEC. 29. Be it further enacted. That power and authority are hereby given to said mayor and aldermen to establish such rules and regulations not inconsistent with this act, for the assessment and collection of the taxes

authorized by this act, as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same, and to impose such fines and penalties, subject to the restrictions hereinbefore expressed for the violation of the ordinances in reference to the taxes and revenues of the city, as they may deem expedient and proper; .Provided, that the powers conferred in this section sliall not extend to imprisonment for debt. For any mistake, or other defect in the assessment or levy of the taxes, said board may, if they deem it necessary or expedient, set aside such assessment, or levy in whole or in part, according to the circumstances, and direct a new assessment or levy, in whole or in part, as the case may be.

Sale of property for taxes.

SEC. 30. Be it further enacted. That all taxes assessed or levied in pursuance of the authority conferred by this act, shall have the force and effect of a judgment and execution at law, and shall constitute a lien on the property assessed, and on all other property within the corporate limits of the party against whom the same are assessed or levied, and the person appointed to collect such taxes must, on failure to pay, collect the-same by levy and sale of the property of the person to whom assessed, or if assessed to an owner unknown, by a sale of the property. All such sales of property for the nonpayment of taxes must be after thirty days notice by advertisement in a newspaper published in said city. The person appointed to collect said taxes shall make such sales under such rules and regulations as the board may prescribe, and shall give to the purchaser of any real estate so sold a certificate of purchase in such form as the board may prescribe, which certificate shall be prima facie evidence of the regularity of all previous proceedings, and of all the facts stated therein ; and also that the requirements of the law in reference to the levy and assessment of the taxes and sale of the property have been complied with ; Provided, however, that real estate sold for the payment of taxes under this act, may be redeemed at any time within two years from the sales, on the payment of the amount for which such property was sold, with interest, at the rate of ten per centum per annum on all taxes and costs which have accrued; and if the purchaser does not reside within the limits of the corporation, the same may be redeemed by payment made

into the corporation treasury for the benefit of the purchaser. Infants and lunatics shall be allowed one year after the removal of their disabilities for the redemption of their real estate. Upon such payment or deposit being made within the period allowed for redemption, such sale and certificate shall cease and determine. But if such property is not reclaimed then the owner shall be liable to an action of unlawful detainer as now regulated by the statutes of State before a justice of peace.

SEC. 31. Be it further enacted, That no prosecution, suit or claim whatever pending or to be brought under existing laws, shall in any manner be affected, or altered by the passage of this act, and all the existing ordinances and by-laws of the city of Huntsville, adopted in pursuance of the present charter of said city, and not in conflict with this act, or with the constitution of the State, shall be and remain in force as the ordinances and by-laws of said city, until repealed or modified by the present mayor and aldermen or by the mayor and aldermen elected under this act. Effect of this charter.

SEC. 32. Be it further enacted. That the present mayor and aldermen of Huntsville shall continue to act as such until the election and qualification of the mayor and aldermen chosen at the first election under this act ; and if a vacancy shall occur in the office of mayor or aldermen before such first election, the present board shall fill it, and the mayor and aldermen of said city, now in office, shall have and exercise all the power and authority which by this act are confered upon the mayor and aldermen to be elected hereunder ; and the mayor and other officers of the present board shall respectively have and exercise all the authority and power which by this act, are granted respectively to the mayor and the same officers of the corporation, to be chosen under this act; Provided , that the ordinances of the city of Huntsville adopted under the present charter and not in conflict with the provisions of this act shall remain in force until the same are adopted, amended or repealed by the mayor and aldermen. Present officers.

SEC. 33. Be it further enacted. That nothing in this act contained shall be construed as repealing or in any wise affecting "An act to authorize the mayor and aldermen of the city of Huntsville to levy a special tax," approved December 8, 1868, or "an act to authorize the Acts not affected.

mayor and aldermen of Huntsville to issue the bonds of said corporation," approved November 24, 1866, but said acts are continued and in force, and shall apply as well to the mayor and aldermen elected under this act as to the mayor and aldermen now in office.

SEC. 34. Be it further enacted. That all acts and parts of acts conflicting with the provisions of this act, be and the same are hereby repealed.

Approved December 12, 1888.

No. 194.] AN ACT [s. 119

To regulate the trial of misdemeanors in Colbert county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county court of Colbert county shall have concurrent jurisdiction with the circuit court of said county for the trial of all misdemeanors committed in said county.

County court to try misdemeanors.

SEC. 2. Be it further enacted. That the presiding judge of the circuit court of said county, at each succeeding term, shall enter on the minutes of said court, on the day of adjournment, an order requiring the clerk of the circuit court to deliver to the judge of the county court of said county all indictments presented or filed in the circuit court and not finally determined against persons charged with the commission of misdemeanors ; and after the making of such order the jurisdiction of the circuit court shall cease, and exclusive jurisdiction shall rest in the county court.

Not finally disposed of in circuit court.

SEC. 3. Be it further enacted. That it shall be the duty of the clerk of the circuit court of said county to enter the cases transferred as hereinbefore mentioned on the docket of said county court, to deliver to the judge thereof all papers belonging to them, to prepare and furnish a certified transcript of all minutes, entries and proceedings had or made in any such cause in the circuit court, if the judge of the county court shall so order, to attend the terms of said county court, and to keep a book in which must be entered the minutes of each days proceedings during the session of the court,

Duties of circuit clerk.

and the orders and judgments in the order in which they are made or rendered, and to make a record of the proceedings in the said causes so transferred as required by law to be kept of such causes in the circuit court, and, in cases where arrests have not been made, to issue capiases forthwith returnable to the first day of the next term of the county, and on application of either party to issue subpoenas for witnesses in said causes so transferred, and certify the attendance of witnesses as in the circuit court.

SEC. 4. Be it further enacted. That it shall be the duty of the judge of the county court to hear counsel and decide their causes without a jury, if the defendant waive a jury, which waiver must be entered of record, but if a jury is demanded at a non-jury tern?, the cause must be continued to the next succeeding jury term of said court. Duties of judge of county court

SEC. 5. Be it further enacted, That whenever, as now provided by law, the jury commissioners of Colbert county shall meet to draw juries for the circuit court, the said jury commissioners, as now provided by law, shall draw four juries to serve as jurors for the county court of said county, said juries shall consist of twenty-four names each, to be numbered and endorsed as jury No. 1, No. 2, No. 3, and No. 4, respectively, who shall be summoned to serve as jurors for said county in case one is demanded in the order of their numbers, and to be summoned as now provided by law, said jurors to be paid as in the circuit court; Provided, that said jurors shall not be summoned until the judge of said county court shall notify the sheriff in writing that a jury is needed. Juries.

SEC. 6. Be it further enacted, That during the term and before entering on the trial an indictment may be amended with the consent of the defendant, when the name of the defendant is incorrectly stated, or when any person's property, or matter therein stated, is incorrectly described. Amending indictment.

SEC. 7. Be it further enacted. That all proceedings as to bail, conditional judgments, forfeitures, judgments final and alias warrants of arrest, shall be the same as those provided by law of sections 4212 to 4217, inclusive, of the Code of 1886, and in all cases transferred, as above conditional judgments, may be Proceedings as to bail, etc.

set aside, reduced or made absolute, and the same orders taken as if all former proceedings, orders and judgments had and taken in the circuit court, had been made and rendered at prior terms of the county court.

SEC. 8. Be it further enacted, That the defendant in all cases, whether tried by a jury or by the court on waiving a jury, shall have the right to appeal to the supreme court only, and may reserve, by bill of exceptions, any question of law arising in any of the proceedings in like manner, and form, as provided for in similar cases, in the circuit court, by sections 4508 to 4523, inclusive, of the Code of 1886.

Appeals.

SEC. 9. Be it further enacted. That if in any case the county judge shall be legally disqualified to try, hear or render judgment in such cause, the solicitor or other prosecuting officer, and the defendant or defendants, may agree upon some disinterested person, practicing in the court and learned in the law, to act as special judge, to sit as a court and to hear, decide and render judgment in the same manner, and to the same effect, as the judge of the county court, sitting as a court, might do in the same case. If the prosecuting officer, and the defendant or defendants, do not agree upon a special judge, the clerk of the circuit court of said county shall appoint the special judge who shall preside, try, and render judgment as in this section provided.

In case judge is disqualified.

SEC. 10. Be it further enacted. That the solicitor of the judicial circuit, including said county, shall attend said county court, either in person or by deputy, and prosecute for the State all causes therein, and for so doing he shall receive the same fees as for similar services in the circuit court, to be collected and paid in the same manner.

Solicitors' fees.

SEC. 11. Be it further enacted. That the terms of the county court, for the county of Colbert, shall be held quarterly at the court house of said county, commencing on the first Monday in February, and the first Monday in May, and the first Monday in August, and the first Monday in November, and continuing until the business is disposed of.

Quarterly terms.

SEC. 12. Be it further enacted. That the compensation of the sheriff, the judge of the county court, and

Fees.

the clerk of the circuit court, for services therein rendered, shall remain as now fixed by law.

Approved December 12, 1888.

No. 195.] AN ACT [s. 26

To regulate the summoning of witnesses in criminal cases, in the circuit courts of Hale, Perry, Dallas, Lowndes and Wilcox counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in all criminal cases, in the circuit courts of Hale, Perry, Dallas, Lowndes and Wilcox counties, when the cause is not decided at the first term, witnesses must be summoned by the clerk, by the issue of subpoenas to each term, until the cause is disposed of, as in civil cases. Duties of court clerks.

Approved December 12, 1888.

No. 196.] AN ACT [s. 120

To authorize and require the commissioners court of Marion county to make an order for the relief of J. P. Ford, late tax assessor Marion county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Marion county, Alabama, be, and they are hereby authorized and required to make an order allowing J. P. Ford, late tax assessor of said county, a sum of money equal to three-fourths of the amount of his commission allowed him by said county for assessments of taxes for 1887, to be paid out of any money in the county treasury not otherwise appropriated, to pay claims, made preferred claims by law. Relief of J. P. Ford.

SEC. 2. Be it further enacted. That tha clerks of said court shall draw his warrant on the county treasurer of said county for the amount allowed by said county in favor of such J. P. Ford, as soon as said

order is made, which shall be a preferred claim against Marion county.

Approved December 12, 1888.

No. 197.] AN ACT [s. 39

To amend section three (3) and to repeal section five (5) of an act to regulate the fine and forfeiture fund , of Lowndes county and the disposal of moneys arising from fines, forfeitures and convict labor, approved 7th February, 1885.

SECTION 1. Be it enacted by the General Assembly Alabama, That section three (3) of an act to regulate the fine and forfeiture fund of Lowndes county and the disposal of moneys arising from fines, forfeitures and convict labor, approved 7th February, 1885, be and the same is hereby amended so as to read as follows, viz.:

Sec. 3. Be it further enacted. That it shall be the duty of the county treasurer to retain in the treasury all moneys accruing from fines and forfeitures and hire of the county convicts sentenced to hard labor for the county, after deducting the costs of conviction, until the same shall amount to two hundred dollars ($200) or more, and then it shall be his duty to report this fact to the county board of revenue, and such sum shall be subject to the order of said board.

Duty of county treasurer.

SEC. 3. Be it further enacted. That section (5) of said act be and the same is hereby repealed.

Approved December 12, 1888.

No. 198.] AN ACT [s. 59

To repeal an act to prohibit the sale, giving away or otherwise disposing of any spirituous, vinous or malt liquors or intoxicating bitters, beverages, or drinks, of fruits preserved in alcohol or alcoholic liquors, in the county of Montgomery and other places therein named, approved February 28th, 1887, so far as the same applies to within three miles of the Methodist

Episcopal Church, South, in Clayton, Barbour county, and within half a mile of the Catholic church at Battle's Wharf in Baldwin county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act to prohibit the sale, giving away or otherwise disposing of any spirituous, vinous or malt liquors or intoxicating bitters or beverages or drinks, or fruits preserved in alcohol or alcoholic liquors in the county of Montgomery, and other places therein named, approved February 28th, 1887, and known as the "Omnibus Bill," be and the same is hereby repealed, so far as the same applies to within three miles of the Methodist Episcopal church, South, in Barbour county, and within half a mile of the Catholic church at Battle's Wharf in Baldwin county. Prohibition repeal.

Approved December 12, 1888.

No. 199.] AN ACT [s. 57

To fix the amount of the salary of the judge of the county court of the county of Lowndes, and to dispose of the fees of said office.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the first day of December, 1888, the judge of the county court of the county of Lowndes shall receive a salary of three hundred dollars a year, which salary shall be paid instead of the fees and emoluments now allowed him bv law, and the treasurer of said county shall pay the said salary in quarterly installments at the end of every three months. Salary of judge.

SEC. 2. Be it further enacted, That all fees now allowed by law to be collected or retained by said judge, shall be paid into the county treasury by the officer authorized and required by law to collect the same.

Approved December 12, 1888.

No. 200.] AN ACT [s. 84

To authorize the mayor and council of the city of Demopolis to issue bonds of said city for an amount not exceeding eight thousand dollars, bearing interest at a rate not exceeding eight per cent. per annum, for the purpose of purchasing school lots, erecting thereon suitable school buildings and furnishing the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the city of Demopolis, be and they are hereby authorized to issue bonds of said city of Demopolis to an amount not exceeding eiglit thousand dollars, or so much thereof as said board may deem necessary, for the purposes hereinafter named, in sums of one hundred dollars each, and payable at such times and places as said board may designate, not exceeding twenty years from the date thereof, and redeemable at the pleasure of said city, at any time after the period of ten years, with coupons attached, bearing not exceeding eight per cent. interest per annum, and payable annually to bearer.

Bonds.

SEC. 2. Be it further enacted. That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor, and countersigned by the treasurer of said city, and the seal of the city shall be affixed thereto, and the said treasurer is required to keep a correct record of all bonds issued under this act.

Officers' duties.

SEC. 3. Be it further enacted, That the said mayor and council of Demopolis are hereby empowered and authorized to do any and all things that may be necessary to carry out the powers hereby granted, either through themselves, or by an agent or agents duly authorized or appointed by them for that purpose, at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, irregularity, neglect or omission, in the proceedings or records of said board shall in anywise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

SEC. 4. Be it further enacted, That the mayor and

council of said city are hereby empowered and authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than par (one hundred cents on the dollar) and the proceeds of said bonds shall be paid over and kept by the treasurer of said city, and to be used and applied to the purchase of school lots and for erecting thereon suitable school buildings, and to furnishing the same for said city, such use, payment and application of said proceeds to be under the direction and by authority of said board of mayor and council, and the said treasurer to be responsible for the safe keeping of all the proceeds arising from the sales of said bonds which may come into his hands in his official capacity, the same as for other city funds or money in his hands as treasurer, and there shall be no dommissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

SEC. 5. Be it further enacted. That it shall be unlawful for the said board of mayor and council, or any member thereof, or any of the officers of said city of Demopolis, to apply the proceeds of the sale of the bonds issued in the pursuance of this act to any other purpose than that hereinbefore specified.

Approved December 12, 1888.

No. 201.] AN ACT [s. 108

To authorize the court of county commissioners of Lauderdale county to issue bonds of the said county to an amount not exceeding twenty thousand dollars, for the purpose of enabling the said court to erect such iron bridges in said county aa said court may deem necessary.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of, the county of Lauderdale, is hereby authorized at any time within three years from the date of the passage of this act, to issue bonds of Lauderdale county to an amount not exceeding twenty thousand dollars, for

Bonds.

the purpose of raising funds to enable said county to build such iron bridges in said county as said court may deem necessary ; the said bonds to be made payable at such times as said commissioners court may decide upon, not to exceed fifteen years from the date of issuance with coupons attached, bearing interest at the rate of six per centum per annum, payable at the office of the treasurer of said county.

SEC. 2. Be it further enacted. That said bonds may be issued in sums of not less than one hundred dollars, and shall not be sold below par, and shall be receivable when due, for all county taxes.

SEC. 3. Be it further enacted. That the commissioners court of said county is hereby authorized to do any and all things authorized under the provisions of this act which may be necessary to carry out the powers expressed by this act, whether through themselves or any agent or agents duly appointed by them for that purpose at any term of said court, whether regular or special, and if done at a special term of said court, its proceedings shall be as valid to all intents and purposes as if done at a regular term, and no technicality, informality, irregularity, neglect or omission in the proceedings or records of said court shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper.

Duties of commis'oners court

SEC. 4. Be it further enacted. That said bonds shall be signed and numbered by the judge of probate, and countersigned by the treasurer of said county, and have the county seal attached to each ; and that the coupons shall also be signed and numbered by the judge of probate and countersigned by the treasurer of said county who shall keep a correct account of all bonds issued and disposed of under this act.

Probate judge and treasurer.

Approved December 12, 1888.

No. 202.] AN ACT [s. 91.

To amend sections 19 and 23 of an act approved on the 28th day of March, 1873, and entitled "an act to establish a new charter for the city of Demopolis.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sections 19 and 23 of an act approved on the 28th day of March, 1873, and entitled "an act to establish a new charter for the city of Demopolis," be amended so as to read as follows : Section 19. Be it further enacted, that the said mayor and councilmen shall have full power and authority to pass all laws and ordinances, to declare, prevent and remove nuisances, to prevent the introduction of contagious and infectious diseases within said city, by regulating the landing of boats and stoppage of railroad trains having sick on board, and to provide places for the reception of the sick, to license and regulate the sale of ardent spirits within the corporate limits and to provide for annulling and revoking such license on good cause being shown, to close up retail liquor establishments for such time as they may deem necessary, to prevent the retailing of spirituous liquors within the corporate limits whenever they deem it expedient, to erect and repair bridges, to construct drains and sewers, and keep them in repair, to prohibit and disperse all unlawful and disorderly assemblies, to license and regulate hackney coaches, hacks, wagons, carts and drays running for hire within the corporate limits, to restrain or prohibit gambling, gaming houses and houses of ill fame, to license, restrain and regulate theatrical and other exhibitions, circuses or shows for money of whatever character, kind or name, and also lectures and concerts for pay, except lectures and concerts for charitable purposes, to keep in repair all necessary streets, alleys and commons, to open all streets as laid down on the maps of said city, to license and regulate pawnbrokers, billiard rooms and ten-pin alleys, to levy and collect taxes as prescribed by this act, to fix the price of all licenses granted by the corporation, and to enforce the collection of the same ; to prevent and punish violations of the sabbath, to prevent stock of any kind from running at large in the

Powers of mayor and councilmen.

public streets, alleys or commons of the city, to pave, gravel, macadamize or otherwise improve any street or sidewalk in said city, to fix the fees of all municipal officers, to provide for the payment of the principal and interest on the bonded debt of said city, to contribute to the support and maintenance of the public schools of said city to such an extent and under such regulations as to them may seem best, to prohibit riots, routs, affrays, assaults and batteries and all other breaches of the peace and misdemeanors, to provide for.the punishment by fine or by fine and imprisonment, or either, of the breach of the laws, by-laws or ordinances of the city ; but no fine exceeding one hundred dollars, and no imprisonment shall exceed ninety days ; and to provide in cases where the fine and costs are not paid by the party convicted, that the party so in default shall work out such fine and costs under the direction of the council, and to pass all such laws and ordinances as may be necessary for the government of the city not inconsistent with the constitution and laws of the State. Section 23. Be it further enacted. That the said mayor and councilmen shall have full power and authority to levy and collect taxes on all real and personal estate, taxed under the code of this State, not to exceed one half of one per cent of the assessed value thereof ; that the said tax upon the real and personal estate be laid in accordance with and in conformity to the assessment and valuation of said real estate and personal property as made for State and county purposesfor the year proceeding that in which the tax herein provided for is levied, which tax shall be laid in the manner following, to-wit: The assessment and valuation when completed, containing all the property as well as the owners thereof, shall be lodged with the mayor of the corporation, and the mayor and councilmen shall assess a tax not exceeding one half of one per cent of the value thereof as aforesaid, which assessment or valuation, together with the names of the persons liable to taxation, with the tax laid thereon, shall be open for inspection to all and every person interested therein, and the said mayor and councilmen shall give twenty days public notice within the limits of the city of De-

Assessm'nt and collection of taxes.

mopolis, that said assessment or valuation, together with the tax laid thereon, is ready for inspection, and if any person be dissatisfied with such assessment, or valuation, or the tax laid thereon, he shall give notice to the mayor and councilman to alter said assessment or valuation, together with the tax laid thereon, when the matter in dispute shall be referred to a board of arbitration, composed of three tax-payers in said city, one to be selected by the mayor, one by the party complaining and these two to select the third party, who shall hear testimony and the award of a majority of whom in the matter in dispute, shall be final ; and after twenty days have elapsed from the time of giving the notice aforesaid, the said mayor snail issue his warrant annexed to the tax list to the marshal of the corporation, containing a description of the real estate taxed, together with its valuation and the taxes assessed thereon, and also the amount of the personal property valued and assessed to each person, together with the tax assessed thereon.

Approved December 12, 1888.

No. 203.] AN ACT [H. B. 275

To incorporate Irby Female Seminary.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Hilliard J. Irby and his wife Virginia P. Irby, of the city of Eufaula, Alabama, be, and they are hereby created a corporation sole and body politic with power of succession to continue for the period of fifty years, and that the successors of the said H. J. Irby and V. P. Irby, shall have all the corporate powers and privileges herein conferred upon them. Corporators.

SEC. 2. Be it further enacted. That the name of said corporation shall be Irby Female Seminary, and its domicil and place of business shall be in said city of Eufaula; and that the said incorporators and their successors shall have power under and by said corporate name to organize, maintain, and carry on in the city of Eufaula, a college for the education of girls and young ladies, and to confer literary degrees and Powers of corporation.

grant diplomas to all persons who shall complete the course of study, which shall be adopted by said college, and to do and perform all other acts and things which are or may be necessary and proper for carrying out the purposes of a regular college.

SEC. 3. Be it further enacted. That the said H. J. Irby and V. P. Irby and their successors are hereby empowered to organize and employ a regular faculty of teachers in said college, and to maintain the same, and the incorporator, H. J. Irby or his successors, are hereby made the principal of said college, and the president of its faculty; and no literary degree shall be conferred, nor any diploma granted, without the consent of a majority of said faculty, as constituted at the time said degree shall be conferred, or said diploma shall be granted.

Faculty.

SEC. 4. Be it further enacted. That the said H. J. Irby and V. P. Irby, shall have power under said corporate name to organize, have, own, receive and possess by gift, grants, purchase, devise, bequest, or otherwise, real and personal property to the extent of the value of fifty thousand dollars, and shall have power to dispose of said property by sale, grant or otherwise, and shall have such other rights and powers as are granted to private corporations under existing laws.

Property.

SE 5. Be it further enacted, That this act shall take effect from and after its passage.

Approved December 12, 1888.

No. 204.] AN ACT [H. B. 181

To be entitled an act to establish a sinking fund commission for Selma.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there is hereby created and established in and for the municipal corporation of Selma, a sinking fund commission, to be composed of three commissioners, who shall be elected by the council of Selma at the first regular meeting of said council held after the approval of this act.

Sinking fund commission.

SEC. 2. No person shall be eligible to the office of

commissioner except he be at the time of said election a legal voter, bona fide resident of the city of Selma, and shall not be interested in any manner, directly orindirectly, in any bond or debt of or against the corporation of Selma, and shall vacate his said office by removal from Selma, or becoming an owner, or interested in any of the bonds of Selma. The said commissioners shall hold their office for the term of six years, and till their successors are elected and qualified ; but of the first commissioners elected under this act, one shall hold office for two years, one for four years, and the third for six years.

Qualifications of commissioners.

SEC. 3. The said commission shall receive from the municipal authorities of Selma, all bonds issued for the purpose of refunding the debt of Selma created prior to the 6th day of December, 1875, and shall as promptly as practicable, exchange the same for any outstanding valid obligation or debt of Selma, which was given for a debt created prior to the 6th day of December, 1875, and if there be holders of any bond, coupon or debt, which is a valid obligation of the late city of Selma, and which was created prior to the 6th day of December, 1875, who are unwilling to exchange for the new bonds of Selma, then said commission shall sell as many of said bonds at par as will bring money enough to pay off and discharge all the bonds or other evidences of debt due by Selma. In making said exchange or payments, said commission will compute simple interest on all past due coupons and bonds, from the day said bonds or coupons fell due to the date of exchange or payment, and will compute simple interest on all judgments which were rendered on debts created prior to the 6th day of December, 1875, from the date said judgments were rendered to the date of exchange or payment, and deliver new bonds for the sum thus found to be due, and in case. of judgments, including court costs unpaid, if any.

Exchange new bonds for old.

SEC. 4. The said commission shall hold all their meetings in the mayor's office of Selma, and the clerk of Selma shall be ex-officio clerk of the commission. The corporation of Selma shall furnish and provide all necessary books and stationery required by said commission, who shall have authority to buy the same. The commission shall have the power to fix the compensation of the clerk for services rendered the commission, but not to exceed two hundred dollars per annum.

Clerk.

SEC. 5. The commission shall designate, from time to time, one or more of the banks in Selma, as depositories for the safe keeping of any and all money they may receive for the payment of the interest on bonds, or for the sinking fund, or from the sale of bonds, and the same shall not be drawn out except upon the check of the chairman of said commission (who shall be selected by the commission), countersigned by the clerk. The said commission will, in the exchange and payment of said bonds, comply in letter and spirit with the act authorizing the issuance of said bonds in every particular.

Designate depository.

SEC. 6. That within ten days before the first days of January and July of every year, said commission shall send to the bank at which the interest is payable, a sum of money, if they have so much, sufficient to pay the interest falling due on said days, and shall receive the paid coupons and have the payment entered of record in the book register at the proper place, and shall then destroy said coupons.

Pay Interest.

SEC. 7. Whenever said commission has on hand, after paying all the interest on said bonds which have matured, and all the cost of collecting and disbursing the same, including the salary of the clerk, a sum sufficient to buy a bond of Selma, they shall forthwith invest the whole of said money in Selma bonds, at the market price of said bonds, and continue, from time to time, to invest any and all surplus in their hands in Selma bonds. In the event they are not able to buy Selma bonds at a price equal to or less than the market prices of bonds of Alabama or of the United States, then they shall invest the whole of said surplus in any bonds of the State of Alabama or of the United States. Whenever they can sell such Alabama bonds or United States bonds and buy Selma bonds at an advantage, they shall do so. Whenever a Selma bond is bought the commission shall have the word "cancelled" cut through the body of the bond, and shall write thereon the date of its purchase and the person from whom purchased, and cause a like entry to be made on the record of said bond in the register of bonds kept by the city clerk, and shall then report the fact of its cancellation to the mayor and council, and to the auditor of Alabama.

Purchase bonds.

SEC. 8. In the event the State authorities assume the duty of assessing and collecting the bond tax and paying

the interest on the bonds of Selma, as provided by law upon default made, then said commission shall receive In the paid coupons from the State treasurer, and have them entered upon the record book of the bonds in the register, as paid, and destroy the same, and shall also receive from the State treasurer whatever surplus there may be in the treasury, from time to time, and shall use the same in the purchase and redemption of Selma bonds, or wlien tliat cannot be done, in the purchase of Alabama or United States bonds, as hereinbefore provided. In case State collects bond tax.

SEC. 9. It shall be the duty of the commission to require the tax collector of Setma, and in the event the State authorities collect the bond tax, the county tax collector, to deposit in the bank designated as their depository, to tlicir credit, all money collected as Selma bond tax, on the day it is collected, and to take prompt legal steps to enforce this requirement. Duties requir'd of collectors.

SEC. 10. The said commission shall continue in existence until all the bonds of Selma issued to refund its debts created prior to the 6th day of December, 1875, and the interest thereon, have been paid in full, when it shall cease to exist or liave any power. Duration of commission.

SEC. 11. That before any of the commissioners shall be authorized to enter upon the discliarge of his duties herein prescribed, he shall take the oath of office required by the constitution of Alabama, and enter into a bond conditioned for the faithful performance of the duties of his office, in such sum and with such sureties as the council shall require. Oath and bond

Approved Dec. 12, 1888.

No. 205.] AN ACT [H. B. 371

To amend section 3 of an act entitled an act to amend section 1630 of the Code, so far as the same relates to the county of Jefferson, and otherwise regulate the workings of the public roads in said county, approved February 23, 1883.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section three of an act entitled an act to amend section 1630 of the Code, so far as the same

relates to the county of Jefferson, and otherwise regulate the working of the public roads in said county, approved February 23, 1883, be amended so as to read as follows: That if any justice of the peace shall fail or refuse to perform the duties imposed on him by the second section of this act, he shall be liable as for a failure to perform aa official duty, and upon the resignation, removal or death of such justice, the commissioners court or if not in session, the probate judge shall appoint his successor, and each justice appointed under this act, shall at the November term of each year, make a report to the commissioners court, in writing, the amount recovered by him under this act, to whom the same has been paid and on what road paid, and if there is any balance on hand, he shall so report it.

Duties of justices of peace.

SEC. 2. Be it further enacted. That all laws and parts of laws in conflict with this act be, and the same are hereby repealed, so for as the same relates to the county of Jefferson.

Approved December 12, 1888.

No. 206.] AN ACT [H. B. 365

To amend sections one and two of an act entitled an act to amend section 1630 and sub-division two of section 1649 of the Code, and sections one and four of an act entitled an act to amend section 1630 of the Code, so far aa the same relates to the county of Jefferson, and otherwise regulate the workings of the public roads of said county, approved February 14,1885.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to amend sections one and four of an act entitled an act to amend section 1630 of the Code, so far as the same relates to the county of Jefferson, and otherwise regulate the public roads in said county, approved February 14, 1885, be amended so as to read as follows: Section 1. Be it further enacted. That section 1630 of the Code of Alabama, so far as the same relates to

Working roads in Jeffers'n co.; exemptions.

Jefferson county, be amended so as to read as follows: 1630. Persons exempt from working public roads in Jefferson county.—All females, all male persons under eighteen and over forty-five years of age, all maimed and disabled persons who shall procure a certificate of such disability from some licensed practicing physician, and all male persons between the ages of eighteen and forty-five who shall pay to the justice of the peace designated by the court of county commissioners, in the precinct in which the road lies, and if there is no justice of the peace in said precinct, then to such justice as the court of county commissioners may designate, as hereinafter provided, three dollars, are exempt from working the public roads in Jefferson county ; Provided, That such payment shall not exempt such person from work in opening new roads and from serving as overseer and apportioner; And provided further, that no person shall be liable to work the public roads in said county until he shall have resided thirty days in said county.

SEC. 2. Be it further enacted, That section two (2) of said act be amended to read as follows: That it shall be the duty of the justice of the peace, designated by the commissioners court, in accordance with section two of this act, to receive the amount of three dollars when tendered by any person liable for road duty in his precinct, and to give said person a certificate of exemption from road duty until the 1st of April following, except the opening of new roads and serving as overseer and apportioners, and shall also keep a book in which he shall enter the amount collected, from whom collected, to whom and upon what roads paid, and shall pay the same, upon the order of the overseers of the roads as hereinafter set forth, to which said person was assigned to work, by the apportioner of said precinct; and the justice is hereby authorized to retain for his services out of the money so received by him fifteen (15) cents for each certificate of exemption issued by him.

Duties of justice of peace.

SEC. 3. Be it further enacted. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed, so far as the same relates to the county of Jefferson.

Approved December 12,1888.

No. 207.] AN ACT [H. B. 163

To prohibit the sale, giving away, bartering, exchanging, or otherwise disposing of alcoholic, vinous or malt liquors, or intoxicating bitters, beverages, or fruits preserved in alcoholic liquors, within one and a half miles of Pleasant Hill Baptist church in Cox's beat, and Bethany Baptist church in Little Will's Valley, Etowah county; or within three miles of Cumberland Presbyterian and Methodist churches at Maysville in Madison county; or within three' miles of Good Hope church in Tuscaloosa county ; or within three miles of Shady Grove church in Pickens county; or in beat No. eight in Walker county ; or within four miles of Cove Creek Cumberland Presbyterian church in Etowah county; or within two miles of State Line church in Limestone county; or within two miles of the town of Kingsley in Henry county; or within three miles of the Baptist and Methodist churches in the town of Daviston in Tallapoosa county; or within four miles of the church and Masonic hall at Fernbank on the Georgia Pacific railroad in Lamar county ; or within two miles and a half of Barker's church in Barbour county ; or within three miles of Pea River Presbyterian church in Barbour county; or within five miles of Union Chapel church in Walker county; or within two miles of Emen's Methodist church in Crenshaw county ; or within two miles of Bethlehem Baptist church in Barbour county; or within six miles of Stockton church in Baldwin county; or within five miles of Williamsburg Baptist church in Jefferson county; or within three miles of the Methodist church at Delma, in Winston county on the north, east and south, and to the Marion county line on the west; or within three miles of Mount Zion church at Vanvoo station, in Winston county; or within four and a half miles of Oak Grove church in Shelby county; or within five miles of Zion church in Walker county.

SECTION. 1. Be it enacted by the General Assembly of Alabama, That from and after the 1st of January, 1889, it shall be unlawful for any person or persons,

to sell, give away, barter, exchange or otherwise dispose of any alcoholic, vinous or malt liquors or intoxicating bitters, beverages or fruits preserved in alcoholic liquors within one and a half miles of Pleasant Hill Baptist church and Bethany Baptist church in Little Wills Valley in Etowah county, or within three miles of Cumberland Presbyterian church and Methodist church at Maysville, in Madison county ; Provided, that justices of the peace in Maysville precinct shall have concurrent jurisdiction with the circuit and county courts of Madison county for the trial of violations of this act ; or within three miles of Shady Grove church in Pickens county ; or within three miles of Good Hope church, Tuscaloosa county ; or within the limits of beat number eight in Walker county ; or within four miles of Cove Creek Cumberland Presbyterian church, in Etowah county ; or within two miles of State line Methodist church in Limestone county, Provided, that justices of the peace in the precinct in which State line church is situated shall have concurrent jurisdiction with the circuit and county courts of Limestone county in the trial of all violations of this act; or within two miles in all directions of the town of Kingsley in Henry county ; or within three miles of the Methodist and Baptist churches in the town of Daviston in Tallapoosa county ; or within four miles of the church and Masonic Hall at Fernbank on the Georgia Pacific rail road in Lamar county; Provided, that justices of the peace shall have concurrent jurisdiction with the circuit and county courts of Lamar county for trials of offenses under this act ; or within two and a half miles of Barker's church in Barbour county ; or within three miles of Pea River Presbyterian church in Barbour county ; or within two miles of Bethlehem Baptist church in Barbour county ; or within five miles of Union Chapel church in Walker county ; or within two miles of Emens Methodist church in Crenshaw county ; or within six miles of Stockton church in Baldwin county ; or within five miles of Williamsburg Baptist church in Jefferson county ; or within three miles of the Methodist church at Delma in Winston county on the north, east and south and to the Marion county line on the west, provided, that regular practicing physi-

Liquor prohibition.

cians in the last named district shall not be debarred the use of liquors in compounding prescriptions for sick patients ; or within three miles of Mount Zion church at Vanvoo station in Winston county ; or within four and a half miles of Oak Grove church in Shelby county ; Provided, that regular practicing physicians in the last named district shall not be debarred the use of stimulants in their practice when necessary ; or within five miles of Zion church in Walker county.

SEC. 2. Be it further enacted, That any person violating the provisions of this act, or any one thereof,

Penalty. shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty, nor more than two hundred dollars, or may be sentenced to hard labor for the county in which the offense was committed for not less than three nor more than six mouths at the discretion of the court or jury trying the same.

SEC. 3. Be it further enacted, That all laws or parts of laws in conflict with any of the provisions of this act, be and they are hereby repealed ; Provided, that nothing contained in this act shall be so construed as to prohibit the use of wines for communion purposes in churches within the scope of the several districts named, or to prevent the social use of any species of liquor in private families.

Approved December 12,1888.

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208.] AN ACT [s. 107

To allow the sheriff of Conecuh county the same fees for public road service as are now allowed under the general laws of Alabama to other sheriffs.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act,

Sheriffs' fees. the sheriff of Conecuh county, on showing to the court of county commissioners that he has discharged the duties required of him in relation to public roads, shall be entitled to receive annually, not exceeding the sum of ninety dollars to be paid out of the county treasury as is provided for under the general laws of this State to other sheriffs of other counties.

SEC. 2. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved January 31, 1889.

No. 209.] AN ACT [H. B. 91

To authorize the board of mayor and aldermen of the city of Jasper to negotiate a loan for the purpose of improving, grading and draining the streets, aveuues and alleys of said city, establishing water-works and the payment of the city's indebtedness.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the board of mayor and aldermen of the city of Jasper, in the county of Walker, and the State of Alabama, be, and they are hereby authorized and empowered to borrow and expend a sum of money not to exceed forty thousand dollars for tlie purpose of and to be expended and applied ; first, for the payment of the outstanding indebtedness of said city (not to exceed the sum of three thousand dollars); second, for the grading, draining and improvement of the streets, avenues and bridges of said city of Jasper ; third, in establishing water-works for the supply of said city with water. Authority to borrow money.

SEC. 2. Be it further enacted, That to enable said board of mayor and aldermen to carry out fully the power and authority granted in the first section of this act, the said corporate authorities be, and they are hereby fully authorized to issue bonds of the said city in an amount not to exceed forty thousand dollars, to be known and designated as "improvement and sanitary bonds," with coupons attached, signed and numbered to correspond with the said bonds, showing the amount of interest and when due and payable, said bonds to not run longer than thirty years, but redeemable at the option of the said city authorities after twenty years ; said bonds to bear interest at not a greater rate than 6 per cent. per annum, payable semi-annually ; said bonds to be issued in such form and manner as the said board of mayor and aldermen may direct, in sums not less than one hundred dollars. Bonds.

SEC. 3. Be it further enacted, That to meet the interest and principal at maturity, upon any or all of said bonds issued under authority of this act, the said corporate authorities shall, and it is hereby made their duty,
Sinking fund. to set apart out of the general revenues of said city each year an amount as a sinking fund sufficient to pay the interest as it becomes due on said bonds.

SEC. 4. Be it further enacted, That said corporate authorities shall have power and authority to do and carry out all the powers granted in this act either by
Pow'rs of mayor and aldermen. themselves or by their agents duly appointed by them, and no technicality, informality, neglect or omission in the proceedings of said board, or the records thereof, shall in any way affect the validity of said bonds or coupons issued under this act, or any of the rights of the purchaser of the same, but said bonds and coupons shall have all the properties and protection of commercial paper.

SEC. 5. Be if further enacted, That all the bonds is-
How money to be expended. sued under this act shall be sold only for cash and the money raised from the sale or negotiation of said bonds shall be deposited with the treasurer of said corporation (if not otherwise directed by said board of mayor and aldermen) and shall be paid out by him on warrants signed by the mayor or acting mayor and countersigned by the clerk of said city of Jasper. Provided, that no warrant shall be drawn for labor, material or for any other purpose under the provisions of this act until the same has been presented to and duly audited and allowed by said board of mayor and aldermen.

SEC. 6. Be it further enacted, That the bonds herein provided for, when issued, shall have priority over any
Priority. bonds that may hereafter be issued by said city authorities, and it shall be the duty of said board of mayor and aldermen of said city of Jasper, to provide for the payment of the principal and interest as the same may mature, before providing for the payment of bonds which may be hereafter issued by said mayor and aldermen.

SEC. 7. Be it further enacted, That the proceeds of the sale of said bonds be applied to the purposes set forth in the first section of this act, and to no other purposes whatever, except the interest that may accrue on the bonds sold, the two years next succeeding the passage of

this act may be in part or in whole paid out of said funds but no more.

SEC. 8. Be it further enacted, That the bonds issued under this act be, and the same are hereby excepted from taxes by counties and municipalities in the State of Alabama.

SEC. 9. Be it further enacted, That it shall be the duty of said board of mayor and aldermen to designate in the face of said bonds the place or places the same may be presented for the payment of the coupons.

SEC. 10. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 6, 1889.

No. 210.] AN ACT [H. B. 97

To repeal an act entitled an act to regulate the trials of misdemeanors in the county of Bibb, approved February 24, 1887, and to provide for the disposition of certain cases now pending in the county court of Bibb county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to regulate the trial of misdemeanors in the county of Bibb, approved February 24,1887, be and the same is hereby repealed ; Provided, that all criminal cases commenced by affidavit and warrant, or indictment, be transferred to the circuit court of Bibb county, and. shall be placed on said circuit court docket for trial, and the clerk of said county court shall certify all minutes and docket entries in such cases, together with the original papers in such cases to said circuit court, which certificate shall be attested by the judge of said county court, and the said certificate and placing said cases on the circuit court docket shall be all that is necessary to give the circuit court jurisdiction of said causes.

Trial of misdemeanors.

Approved February 24,1889.

No. 211.] AN ACT [H. B. 469

To fix the compensation of the tax assessor of Montgomery county.

SECTION 1. Be it enacted ty the General Assembly of Alabama, That from and after the first day of September, 1888, the tax assessor of Montgomery county shall receive five thousand dollars per annum in full compensation for all services rendered by him as tax assessor, to the State of Alabama, the county of Montgomery, or the free school system ; he paying for the services of all clerks or deputies employed by him ; this amount shall be paid to him out of the county treasury of Montgomery county, quarterly in equal payments ; Provided, that no payment shall be made until approved by the board of revenue of said county; Provided further, that in no case shall the salary of the tax assessor as fixed by this act exceed in any tax year the amount of commissions and fees actually collected in that year, under the general laws regulating the commissions and fees of tax assessors.

Quarterly payments to tax-assessor.

SEC. 2. Be it further enacted, That the said tax assessor shall keep an account of all fees and commissions, now or that may be hereafter allowed him by law, which said fees and commissions shall be collected by the tax collector and paid into the county treasury, as all other moneys collected by him are required to be paid.

SEC. 3. Be it further enacted, That all laws and parts of laws, general or special in conflict with this act be and the same are hereby repealed so far as Montgomery county is concerned.

Approved February 6,1889.

No. 212.] AN ACT [H. B. 229

To amend an act entitled an act to prevent stock from running at large in the several beats in Chambers county, and to authorize an election thereon, approved December 10, 1886.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to prevent stock from running at large in the several beats in Chambers county, and to authorize an election thereon, approved December 10, 1886, be and the same is hereby amended by adding thereto an additional section, as section seven in words and figures as follows : Section 7. Whenever any damage herein mentioned in this act has occurred, it shall be lawful for the injured party to confine so many head of the stock causing such damage, if taken up while such damage is being done, or before said stock has left his premises, as in his judgment may be sufficient to cover the damage done, and hold said stock until the damage caused by said stock and the expense of keeping them are paid by the owner, if the amount thereof is agreed upon by the parties. If they disagree, and the injured party institute suit for damages in five days, he shall still be authorized to hold said stock until the trial is had, unless the owner gives bond with sufficient security, payable to the injured party in the sum of fifty dollars, conditioned to pay such judgment as may be rendered in the cause against him in thirty days from the rendition. In the trial of such cause if the plaintiff recovers, judgment shall be rendered for the cost of keeping such stock as well as for the damage provided for in section four of this act, and the costs of court. But if the defendant has tendered the bond herein provided for to the injured party, and in the discretion of the court trying the said cause, the security is sufficient, and if the plaintiff has refused to accept the same, he shall not be allowed any costs for keeping such stock after such bond was tendered.

Stock can be held for damages.

Approved February 4, 1889.

No. 213.] AN ACT [H. B. 169

To regulate the disbursing of the fine and forfeiture fund of Coosa county, so as to require the treasurer of said county to pay all claims arising against said fund according to their registration.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all distinction between the claims against the fine and forfeiture fund of Coosa county, be and the same is hereby abolished ; and that the county treasurer of said county be and he is hereby required to pay all claims arising against such fund according to their registration ; Provided, that the provisions of this act shall apply only to claims accruing after its passage.

Duty of treasurer of Coosa.

SEC. 2. That all laws and parts of laws in conflict with this act be and, the same are hereby repealed.

Approved February 4,1889.

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No. 214.] AN ACT [H. B. 271

To authorize and require the commissioners court of Crenshaw county to dispose of moneys arising from fines, forfeitures and convict labor.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the commissioners court of Crenshaw county on the first Monday in May and December, of each year, if there are funds in the fine and forfeiture fund, to advertise for three weeks previously, at the court house of said county, notifying all persons holding registered claims against said fund, that bids will be received until and on auch Monday, until 12 o'clock, for the same, and shall state in said advertisement the amount of the fund on hand, and the amount of registered claims against the fund outstanding and unpaid.

Fine and forfeiture fund.

SEC. 2. Be it further enacted, That the commissioners court of Crenshaw county may receive bids on the day set forth in section one of this act, of persons holding registered claims against the fine and for-

Bids.

feiture fund, beginning with the oldest and closing at such period as in their judgment they may think best ; Provided, they shall not receive bids for a longer period than two years, at any one time.

SEC. 3. Be it further enacted, That the money shall be awarded to the bidder who proposes to accept payment in full of their claims against said fund at the highest rate of discount. When the biddings are closed and the money awarded, the clerk of said commissioners court shall issue warrants upon said fund to the persons entitled thereto, upon receipt and surrender of their claims, or a proper voucher, if the claim is not paid in full.

Approved February 4, 1889.

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No. 215.] AN ACT [H. B. 274

To establish the Belcher school district in Barbour county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the following described territory, situated in the county of Barbour, shall constitute a separate school district to be known as the Belcher school district, to-wit: East half of section twenty-six (26), east half of section thirty-five (35), and all of sections twenty-five (25) and thirty-six (36), township nine (9), range twenty-seven (27), and sections twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (3'2), thirty-three (33), and the west half of sections twenty-seven (27), and thirty-four (34), township ten (10), range twenty-seven (27), and east half of section two (2), and east half of section eleven (11), all of section one (1) and twelve (12), township nine (9), range twenty-eight (28), and the west half of sections three (3) and ten (10), and all of sections four (4), five (5), six (6), seven (7), eight (8) and nine (9), township ten (10), range twenty-eight (28). School district.

SEC. 2. Be it further enacted, That the said separate school district shall be under the supervision of a superintendent, to be appointed by the county superintendent of education of Barbour county, as other

township superintendents are appointed, with the same powers, duties and rights as other township superintendents have and exercise.

Approved February 4, 1889.

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No. 216.] AN ACT [s. 20

To amend an act entitled an act to prescribe the term of office of members of the court of county commissioners of Morgan, Cherokee, St. Clair and Cleburne counties, and to fix their compensation, approved February 26, 1887, so far as the same relates to the counties of Morgan, Cherokee and St. Clair.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act "to prescribe the term of office of members of the court of county commissioners of Morgan, Cherokee, St. Clair and Cleburne counties, and to fix their compensation," be amended so as to read as follows:

Section 1. Be it enacted by the General Assembly of

County commissioners. Alabama, That at the general election in August, 1888, two of the members of the court of county commissioners, in each of the counties of Morgan, Cherokee, St. Clair and Cleburne, shall be elected for two years, and two of them for four years, and at the general election in August, 1890, and every two years thereafter, two of said members in each of said counties shall be elected for four years.

Approved February 6, 1889.

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No. 217.] AN ACT [s. 23

To incorparate the Anniston and Montgomery Railroad Company, and to further the construction of said railroad.

SECTION 1. Be it enacted by the General Assembly of

Corporators. Alabama, That John B. Rees, E. D. Willett, Jr., W. S. Larned, John Gill, of Baltimore, Maryland, F. M.

Hight, William Noble, C. C. Wrenshall, James B. Goodwin, and John W. Noble, and their associates, be and they are hereby constituted a body politic and corporate by the name of the Anniston and Montgomery Railroad Company," and by that name, or by such other as the stockholders, after their organization, may adopt, are hereby authorized to sue and be sued ; to make a common seal, the same to break, alter and renew at pleasure, to have and to hold real and personal property for the present and future business and purposes of such company, as well as such other property as said company may acquire by gift, devise, donation or purchase for investment or development, and to have and enjoy and secure their franchises within any other State that may grant, authorize or permit the same to make rules, regulations and by-laws for the management and direction of such company or corporation not contrary to the laws of this State, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the full carrying out of the objects and purporses of this act.

SEC. 2. Be it further enacted, That said company is hereby authorized and empowered to survey, locate and contract, alter, maintain and operate a railroad with one or more lines of tracks of rails from the city of Anniston to the city of Montgomery, Alabama, on such route or routes as may be deemed best, with branches from the same in any direction, and on such railroad and branches said company is authorized to take and carry for hire, persons and property by the power and force of steam, animal or other mechanical power, or any combination of them ; Provided, that said company shall not be required to build any greater portion of its said road as above authorized, than it may from time to time find to its interest to do so.

Line of road.

SEC. 3. Be it further enacted, That said company is authorized to build such railroads through the cities of Anniston and Montgomery as they see proper, with the right, from time to time, to connect by branches, switches or tracks with other railroads now existing or hereafter to be built in or near said cities of Anniston and Montgomery, by a belt line or lines, or otherwise.

SEC. 4. Be it further enacted, That for the purpose of constructing said railroad and branches, the said company is hereby authorized to lay out the same not
Right of way. exceeding one hundred feet wide, and for the purpose of depots, machine shops, warehouses, engine houses, car or depot yards or other structures necessary or convenient for the business of the company and for the purpose of cuttings, embankments, and for switches, connecting tracks and turnouts, or for the purpose of protecting ita structures, may take as much more land as the necessities of said company may from time to time require, for the use and protection of said railroad and structures, or for the extension of their lines or facilities ; Provided, no such property shall be taken or applied unless just compensation to the owner shall first be made as required by the constitution of the State, to be determined as herinafter provided, but said company may by its engineers, surveyors or agents, previously enter upon any lands for the purpose of surveying, locating and laying out its said railroad and structures ; Provided, that said company may lease for a term not exceeding one hundred years any terminal or depot facilities or easements owned by any other person or corporation, and such person or corporation are hereby authorized to make such lease for such terms, or said company may sell to or exchange with any other company any easement procured by it when found to be advantageous so to do, and said company is hereby authorized to own busses, hacks, baggage and mail wagons, and to operate the same in connection with their railroad at any point where they may be deemed necessary by said company for the public accommodation or to make tranfer connections, or said company may either separately or jointly with other railroad companies, contract with one or more responsible parties at principal stations for the prompt and ready acceptance at all trains of a sufficient number of busses, hacks, baggage and mail wagons, for the transfer of all mails, passengers or baggage, and such other companies are hereby authorized to enter into such joint contract.

SEC. 5. Be it further enacted, That said company
Lease of other roads. may in lieu of constructing any portion of its line or branches purchase or acquire by lease for a term of

not exceeding one hundered years the road bed of any other railroad or any portion of such other railroads whose lines may be located in whole or in part along the line of its proposed railroad or branches, or said company may for the purpose of making through lines make common stock or traffic arrangements or contracts for a joint use of tracks, or any other lawful contract whereby it may sell or lease as aforesaid to or from such other company, any or all of its said railroad or branches and the franchises thereof ; and said Anniston and Montgomery Railroad Company may have and enjoy all of the franchises of any railroad so purchased or leased by it in addition to the franchises in this charter conferred.

SEC. 6. Be it further enacted,. That there is hereby granted to the said Anniston and Montgomery Railroad Company, its successors and assigns, from any of the lands belonging to this State along the route of said railroad or branches, a strip of one hundred feet in width, being fifty feet on each side of the center line of said railroad, witli the right to take adjacent thereto as much more of said lands as may be necessary for cuttings or embankments, in constructing the road-bed, and not exceeding five (5) acres in any one case for the purpose of establishing thereon depot facilities at regular stopping places. State land granted.

SEC. 7. Be it further enacted, That whenever necessary to secure a suitable and convenient location, or whenever the topography of the locality may require, the said railroad company may cross or build along the right of way of any other railroad for a consecutive distance of not exceeding in any case ten miles, and said railroad and branches may be built across or on and along any of the highways or public roads of the country or across or along the streets of any incorporated town or city which may lie on its route and through which it may be necessary to pass, or across any of the navigable waters along the line or lines of its route ; Provided, that the said highways, roads and streets shall, after the construction of said railroad thereon or thereover be restored to as good a condition as practicable; And provided further, that in crossing any river on its route or branches at any point navigable for boats or barges engaged in com- Right of way.

merce they shall place thereon a draw-bridge giving a passage of not less than sixty feet ; Provided, that in such case the right of way along or over the right of way of any other such railroad shall be condemned under the forms of law as now provided, and the consent of incorporated towns and cities shall be first had and obtained to the use of the streets or alleys for such right of way before the same shall be so used and occupied. And the municipial authorities of any incorporated town or city on the line of said road is authorized to grant the privilege of inclosing any street for the purpose of providing or procuring depot grounds and car yards.

SEC. 8. Be it further enacted, That the capital stock
Capital stock. of said company shall be two million of dollars, but may be increased by a vote of a majority of the stock represented at any stockholders' meeting called for the purpose as provided by section 1589, of the Code of 1886, or any amendment thereof, or general law passed as a substitute for said section, but said company may commence operation whenever so much as one hundred thousand dollars of said capital stock shall be subscribed bona fide in money, labor or property. The capital stock shall be divided into shares of one hundred (100) dollars each, which shall be deemed personal property, and may be transferred in such manner and in such places as the by-laws of said company shall direct.

SEC. 9. Be it further enacted, That said company may construct, purchase, or lease and own and operate
Steam ships, lines of steam ships, steam boats, or other vessels or
boats, etc. water crafts within or without this State, or the United States in connection with their railroad for the purpose of transporting coal, iron, or other products, or merchandise to or from the markets of the world, or they may make joint stock or otherwise consolidate or make any lawful working contract with any line of steam boats or vessels for the purpose aforesaid.

SEC. 10. Be it further enacted, That the corporate
Corporate powers of said company shall be vested in a board of
powers. directors of not less than five nor more than eleven, as shall from time to time be fixed by the by-laws adopted by the stockholders of said company, and in such other officers and agents as said directors

shall appoint or authorize. The board of directors shall consist of stockholders annually chosen by the stockholders of said company. All stockholders may vote by proxy as may be prescribed by the by-laws, and shall be entitled to a vote according to the number of shares held by each one respectively. A majority of the board of directors shall be a quorum for the transaction of business, and shall have the power to fill any vacancy occurring in the board by death, resignation or other disability of any member. They shall elect annually one of their number to be president, who shall also be president and executive officer of the company, and a secretary and treasurer, who shall give bond as may be required by said board. Said board of directors shall also have power to require to be paid the sum subscribed by stockholders in such manner and at such times as it may deem proper, and on the refusal or neglect on the part of any stockholder to pay such installments the shares of such delinquent, after legal disabilities have been removed, may after thirty days notice be sold at public auction under such rules as the directors may previously prescribe, the surplus, if any, from the proceeds of sale after payment of the balance due, shall be paid to such stockholder, but nothing herein contained shall prevent said company from collecting by proper proceedings at law the amount due on any subscription. The board of directors shall hold their meetings at such times and places as may from time to time be fixed by the by-laws, but all stockholders meetings for the election of directors shall be held at some point on the line of said railroad within the State of Alabama. The board of directors may elect, appoint or provide for the appointment of any officer, agent, or servant they may see fit, and in case of any vacancy in the board of directors by death, resignation, or otherwise, such vacancy shall be filled by the directors. The directors and other officers shall hold their offices for one year and until their successors are elected and qualified. The failure to elect directors on the day appointed by the by-laws shall not work a forfeiture forfeiture of the company, but a meeting may be called by the president for that purpose as may be prescribed by the by-laws ; or if he fails or refuses to call such

Powers of corporation.

meeting upon a written application of the stockholders owning one-fifth of the capital stock of said company, or upon written application of three members of the board of directors they may call such meeting by advertisement as above prescribed.

SEC. 11. Be it further enacted, That after thirty days notice given by publication in some newspaper pub-
Subscription. lished in the city of Anniston by three or more of the corporators as named in the first section of this act, the said corporators or a majority of them, shall assemble in the city of Anniston either in person or by
How payable. proxy, authorizing some one to act for them in the organization of the company, and shall arrange to open books of subscription to the capital stock of the company in such manner as they may see fit.

SEC. 12. Be it further enacted, That subscription to the capital stock of this company shall be taken payable in money, labor, or property at their money value, to be named in the list of subscription, and in the event of a failure to perform the labor or other service and to deliver the property according to the terms of the subscription, the subscriber shall be bound to pay the amount named in the subscription list in money.

SEC. 13. Be it further enacted, That when one hundred thousand dollars shall have been subscribed to
Organization. the capital stock of said company by bona fide subscribers, the board of corporators shall call the subscribers together by notice given in such manner as they may direct for the purpose of organization, and a majority of the stock so subscribed being present either in person or by proxy, they shall proceed to the organization of the company, by electing from among the stockholders themselves not less than seven nor more than eleven directors to manage the affairs and business of the company, for the ensuing twelve months, or until their successors are elected, and duly qualified. The directors thus elected shall elect from their number a president or executive officer, and such person as they may see fit for secretary, both to serve for such a period and under such conditions as the by-laws may direct.

SEC. 14. Be it further enacted, That upon the organi-
Duties of cor- zation of the company, the board of corporators shall
porators. turn over to the board of directors all the money re-

ceived by them on subscriptions, and all the bonds, notes, obligations, and other papers taken and made by them in the organization of the company, and henceforth all such books, papers, lists, notes, obligations, and other papers shall be the property of the company and shall be as binding on the company as if taken and made by themselves.

SEC. 15. Be it further enacted, That said company is hereby authorized to take, purchase, hold and use the real estate as named in the preceding sections of this act, and may, by its agents, officers, surveyors, engineers and servants, enter upon any lands and tenements through and upon which the company may deem it necessary to make the road and improvements and to survey, locate and contract for the land or right of way with the owners upon which it proposes to make improvements or to build the railroad. In case the lands belong to the estate of any deceased person, then the contract may be made with the executor or administrator of such, or in case the same belongs to a person not sui juris, then with his or her guardian, or in case the lands be held by trustees of school sections, or other trustees of estates, then with such trustees ; and the executors, administrators, guardians and trustees are declared competent and are authorized for such estate or minors to contract with the company for the right to use, occupy and possess the lands of such estates, minors or trustees, so far as may be useful or necessary for the construction, maintenance and operation of the railroad, and the act and deed of such executors, administrators, guardians and trustees in relation thereto, shall pass the title in the lands in the same manner as if the act or deed was made or done by a legal owner of full age ; and such executor, administrator, guardian or trustee shall account to those interested upon their respective lands for the amount paid him for them in pursuance of such agreements or composition, or if the company or any parties representing lands prefer, they may refer the question of compensation to arbitrators mutually chosen whose award or that of the umpire in case of disagreement shall vest title according to its terms.

Right to enter on lands, etc.

SEC. 16. Be it further enacted, That if the company cannot agree with the owner or owners of any of the

lands as above provided concerning the transfer of title to the company, or with the executor, administrator, guardian, or trustee as provided in the proceeding section ; or if the owner of the lands is unkown or incapable of acting or refuse to treat on the subject or lives out of the State, the probate judge of the county in which any of the lands are situated, on the written application of the company, or its authorized agents or attorneys, is required to give notice to the parties in interest of the filing of the application, and also the day and date the commissions of awards will meet on tlie premises as described in the application to settle and determine the compensation, the compensation to be paid by the railroad company for the use and occupancy of the premises above stated. If the person on whom such notice is to be served resides in the State, and is not an infant, idiot, or person of unsound mind, service of a copy of the petition or application and notice shall he made on him, his agent or attorney authorized to contract for the real estate described in the application or petition, personally, or by leaving a copy at the usual place of residence of such person on whom such service must be made, or, if the person lives out of the State, and has an agent in the State, authorized to contract as above, then upon him in the manner above stated, or if the person having control of the lands is an executor, guardian, administrator or trustee and lives in the State, service may be made on him as above stated in this section ; or if the person owning or controlling or interested in the land is unknown or has no agent in or whose agents name is unknown, or if such person owning said lands lives outside this State, then and in all such cases and in all other cases unprovided for in this section the probate judge shall give notice in some newspaper published in the county for three consecutive weeks, or by posting such notice at the court house door for a like period if there is no newspaper published in the county, and by forwarding to the post office of the county of such non-resident or agent if known notice of the application and time of meeting of the commissioners of award as aforesaid, and shall appoint some competent agent or attorney to represent all such parties, to be paid for such services out of the award made by the commissioners, not exceeding three dollars per day for the time he may be actually engaged in the examination of the

When company can not agree with the owner.

premises, and about making the award. If the owner of such land is a married woman, then the service shall be made upon her personally if resident in this State, or if a non-resident then by publication for three successive weeks as above, or in other words as if she were a feme sole.

SEC. 17. Be it further enacted, That upon the filing of the application the probate judge of the county shall appoint not less than five nor more than seven persons as commissioners of award, possessing the qualifications prescribed by law for jurors, who shall upon the day appointed by the probate judge go upon the premises and take and subscribe before some officer authorized by law to administer oaths in this State, the following oath, to-wit: "You and each of you do solemnly swear that you will well and truly try the case now pending and submitted to your decision, between—railroad company, complainant, and A. B. claimant, and that you are neither directly nor indirectly interested in the issue to be tried, and that you have no bias or prejudice resting on your mind for or against either of the parties, and that you will render such compensation to the defendant as to you shall seem just and proper in the premises, so help you God." The majority of the commissioners being present and not disqualified from acting from any legal cause, they shall proceed to organize themselves into a commission by electing a foreman from among themselves. If any commissioner fails to appear on the day appointed or is disqualified from acting from any legal cause his place may be filled by agreement between the parties in interest, or they may consent in writing that those present and not disqualified may act, but if they fail to agree, the foreman shall appoint some one from among the bystanders who is properly qualified to serve in the place of such disqualified or absent commissioner, and the commission being fully and properly organized, they shall proceed to examine the premises in person, and shall examine under oath, which they are authorized to administer, all such witnesses as may be produced by the parties, issue subpeonas for witnesses, adjourn their meeting from time to time, and do all things necessary and lawful, to enable them to arrive at a fair and just compensation to be paid for the damages actually done or to be done to the owner of any of the lands by the building

Commissioners of award.

of the railroad. The foreman shall preside at the deliberation of the commission. The findings and awards shall be signed by each of them and returned by the foreman to the probate judge of the county and placed among the records, and upon the depositing by the railroad company with the probate judge the amount of the award of the commissioners, together with the costs of such commission, the company shall be fully authorized to go upon and take possession of the land, and build its railroad and improvements on the same, and if after sixty days from the date of the award of the commission no appeal is taken by either party, the probate judge is required to issue and deliver to the company on the payment to him of the award and cost of the commission as above, a deed or instrument in pursuance of, and in accordance with the findings and award of the commissioners, giving it the right to take, hold, use and occupy the lands forever for the purposes of the railroad, and forbidding any and all parties from interfering in any manner, or disturbing its possession of the same, or that of its legal assigns. An appeal may be taken by either upon giving security for costs of the appeal within thirty days to the circuit court of the county wherein such award is made, in which case the cause shall be tried by jury, if either party demands it, and shall be tried de novo and the court shall render verdict upon the verdict of the jury according to law. If the party appealing fails to secure a more favorable judgment in the upper court, than was awarded to or against such party in the lower court, such appellant shall pay the costs of the appeal. An appeal shall lie from the decision of the circuit court to the supreme court, if applied for at any time within sixty days from the rendition of the judgment, upon giving security for costs as in other cases of appeal from said court. The work of surveying, constructing and operating the railroad, and making improvements shall in no wise be hindered or impeded by any proceedings after the commissioners have made their award and the company have deposited with the probate judge the amount of the award and the cost of the commission. If upon appeal and upon final decree, the amount deposited with the probate judge is less than the amount of the final decree, the railroad company shall make good the deficit, for which execution shall issue in favor of the

Appeal.

defendant, but if less than the deposit originally made by the company, the probate judge shall refund the amount to the railroad company, and issue to them a deed or instrument of writing, conveying title according to the terms of the final decree. And in the proceeding before the probate court, the said company may embrace in its application the lands of more than one person and the same commission of award may at the same time consider the damages of such several persons, but shall render separate awards as to the lands of each particular party. For services rendered in any proceedings under this section the commissioners of award shall each be allowed two dollars a day for their services, and witnesses only subpoenaed and in attendance shall be allowed the same fees as are allowed in trials before justices of the peace. For serving notice or subpoenas the same fee shall be allowed to the sheriff or constable, as the case may be, as are allowed for like services to such officers respectively in other cases. The probate judge shall receive for his services the following fees : For the filing of each petition, one dollar ; for the appointment of each commission of award, two dollars; for the issuance of each notice to the owner of land, one dollar and a half ; for publication of a notice to non-residents, one dollar and a half and cost of advertising; for filing and recording the award of the commission, two dollars; for preparing and certifying transcript of appeal, the usual fees allowed for appeals from the probate court; for filing applications for appeals and approving bond for costs, one dollar. All costs incurred in the probate court, or before the commission of award, except the costs of appeal, shall be paid by the petitioners, and such petitioner shall be required to give security for costs afr the time of filing said petition, or on the order of the probate judge thereafter made. Fees.

SEC. 18. Be it further enacted, That a record of the petition and the proceedings thereon had in the probate court, shall be made in a separate book kept for that purpose, in which also may be recorded the record and proceedings in behalf of any other railroad company. In all cases of condemnation of lands for the benefit of railroad companies organized under this act, where there are two or more claimants to any money deposited with the probate judge of the county, the rights of the parties to Separate record.

any and all of such funds shall be determined by law.

But in no event shall the railroad company be disturbed in the use and occupancy of any lands regularly condemned to its use under the provisions of this act, after it has deposited with the probate judge the said award and costs.

SEC. 19. Be it further enacted, That said company shall not be required to condemn and appropriate in the first instance all property which is needful for it in the future development of its business, but may, in the construction of its railroad, and from time to time, as its necessities and convenience shall require, appropriate and acquire, upon paying just compensation therefor as herein provided, such additional property as may be necessary or convenient; Provided, that said company may if it deems best in any case resort to the provisions of article 2, chapter 15, title 2, part 3, of the code of 1886, or any other agent allowed or to be allowed of a similar nature for the assessment of damages for property taken by it for railroad purposes in lieu of the provisions of this act.

May acquire land as needed.

SEC. 20. Be it further enacted, That said company may borrow money for the purpose of carrying out the objects of this charter ; and may make notes, bonds or other evidence of debt, and by a vote of a majority of its stock had at a meeting called for the purpose by notice in some newspaper published in the city of Anniston for thirty days, may secure the payment of such notes, bonds, or other evidence of debt, by a mortgage or deed of trust on any or all of its franchises, and any or all of its property, both real and personal.

May borrow money.

SEC. 21. Be it further enacted, That said railroad company may construct and operate a telegraph line or lines in and along and upon any and all portion of its right-of-way of its main line and branches, both for its own use or for doing a public telegraph business. And provided, that the right to construct such telegraph or telephone lines shall not prevent any other person or persons or corporation from constructing similar lines of telegraph or telephone lines along such right-of-way upon making just compensation as now provided by law.

Telegraph.

SEC. 22. Be it further enacted, That said company may inclose any passenger platform or depot owned or used by it alone or jointly with other railroads; and may

Platforms or depots.

with or without such enclosure in conjunction with any other railroad company which may be the owner of such depot used by said Anniston and Montgomery Railroad Company, make and enforce regulations excluding any person or all persons from such platform or depot, excepting passengers and their escorts, public officers in the discharge of their duty, and such agents or servants of the regular transfer line at said place as said company may think necessary to facilitate the handling of baggage and mails, and the accommodation of passengers. Provided, that any of the above excepted persons may be also excluded if such persons behave in a noisy, boisterous or rude manner, or is drunk.

SEC. 23. Be it further enacted, That this charter shall be amendable from time to time by the legislature whenever the president and directors shall unanimously petition for amendments, specifying in the petition the nature of such amendment or amendments; and when such amendments shall he adopted by the legislature and submitted to the directory and be accepted or adopted unanimously by the president and directors they shall be binding and obligatory upon the stockholders and not otherwise. Future amendments.

Approved February 11, 1889.

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No. 218.] AN ACT [s. 109

To provide for the settlement of the indebtedness of the counties of Chambers, Lee, Pickens, .Randolph and Tallapoosa, to the State of Alabama.

Whereas, under the provisions of “an act to authorize the investment of certain revenues in the adjustment and settlement of the indebtedness of the counties of Chambers, Lee, Pickens, Randolph and Tallapoosa, incurred on account of stock subscribed to railroad companies,” approved 15th February, 1883, and the enactments subsequent thereto, and amendatory thereof, the said named counties became, and are now, indebted to the State of Alabama as follows, to-wit: the county of Chambers, $17,588.61; the county of Lee, $41,955.66; the county of Pickens, $23,485.64; the county of Randolph, Indebtedness of counties to State.

$36,296.01; and the county of Tallapoosa, $33,600.26 ;
the said indebtedness being for moneys of the State which said counties were allowed to use in the adjustment of their debts as aforesaid, and which they agreed and consented to repay by accepting the provisions of said act of 15th February, 1883, and expressly contracted to repay by and under section 6 of said act; and

Whereas, said counties are yet involved in some measure, by and on account of the indebtedness said legislation was designed to adjust, and which it is desirable should be adjusted in a spirit of equity and fairness to the State, and to the people of said counties; therefore

SECTION 1. Be it enacted ty the General Assembly of Alabama, That for the purpose of paying the said indebtedness of said counties to the State, the State and county taxes on all the property within said counties of the following named railroads shall be paid into the State treasury, viz.: the Columbus and Western railroad, the East Alabama railroad, (both of which are now known as the Savannah & Western railroad), and the Cincinnati, Selma & Mobile railroad (formerly known as the Selma, Marion & Memphis railroad), together with the property said roads may hereafter have within said counties by reason of the extension of the line or lines of said roads into said counties. That of said State tax one-half shall be equally divided between the counties of Chambers, Lee and Tallapoosa, and the other half between the counties of Pickcns and Randolph, so as to be a credit to the said counties respectively, on the said several debts they owe the State as aforesaid. That the county tax aforesaid shall be placed to the credit of each of the counties from which the same is paid, as a credit to them respectively on their said indebtedness to the State.

Provisions for paying indebtedness.

SEC. 2. Be it further enacted, That in consideration of the gift of this State tax to the said counties, provided in section one of this act, each of said counties is hereby required to pay into the State Treasury, on or before the first day of May in each year, such a sum as, added to the amount specified to be paid to their credit in section one of this act, will make one-tenth of the amount of the indebtedness they respectively owe the State at the time the account of each is made up by the State auditor, under the provisions of this act; Provided, that the county of Randolph shall pay one-fifteenth of its said debt to the

Annual payments.

State each year, instead of one-tenth, and in the manner and by the means aforesaid, and the proportionate share of the State tax on the said railroads, given to said county under this act, shall not be increased by reason of the extension of the time allowed by this proviso; and, provided further, that the special State tax collected from Chambers county for the year 1888, when so collected, shall be paid over by the State treasurer to the probate judge of said county, to be applied under the direction of the commissioner's court to liquidating the bonds of said county, now outstanding, issued in settlement of said railroad indebtedness.

SEC. 3. Be it further enacted, That the State auditor shall, and he is hereby required, to open a book of accounts with the said counties of Chambers, Lee, Pickens, Tallapoosa and Randolph, under the provisions of this act, in which he shall first ascertain and charge them with the amount actually due from each of them to the State, in consequence of the act of February 15th, 1883, and the acts amendatory thereof, mentioned in section one, which amounts approximate to the sums of indebtedness set forth in said section, and the auditor shall credit the said counties severally with all the amounts paid in to their credit, or allowed them under and by the provisions of this act, Provided, that the said debts from said counties shall not bear interest unless default is made in the payment thereof as herein provided. Duties of State auditor.

SEC. 4. Be it further enacted, That the State auditor shall, and he is hereby required to enforce the provisions of this act by legal proceedings in the name of the State, against any of said counties which fail or refuse to comply with the same, in the proper court in the county of Montgomery.

Approved February 11, 1889.

No. 219.] AN ACT [s. 142

To incorporate the Roanoke Normal College, at Roanoke, Randolph county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That W. A. Handly, G. W. Hill, Dr. W. E.

White, H. M. Mickle, Thos. E. Pate, Samuel Faucett,
Normal col- and D. Manley and their successors in office, shall be
lege. and are hereby declared and created a body corporate, under the constitution and laws of Alabama, by the name and style of Roanoke Normal College, in the town of Roanoke, in the county of Randolph, and State of Alabama, which college, shall be for the higher education of males and females of the white race, and by the name of Roanoke Normal College, shall be able and capable in law and equity, to sue and be sued, plead and be impleaded, and shall have power to borrow money, receive donations and bequests for the use of such college, to purchase and sell, and have and hold, real estate aud other property in perpetuity.

SEC. 2. Be it further enacted, said body corporate, shall have its domicil and place of business in the town of Roanoke, Randolph county, and shall have
Powers. power to pass all such rules, regulations and by-laws not inconsistent with the constitution and laws of the State of Alabama, as they shall see proper and deem advisable for the good government and proper regulation of said college and shall have power to elect annually by a majority of its members, a president, secretary and treasurer, and other necessary officers, from the members of said body corporate, and to fill all vacancies in said offices ; to fix the amount and approve the bond of the treasurer, and to change the number of trustees at pleasure; Provided, such number shall not be reduced below five, or raised above nine; and to adopt a common seal and to alter said seal at pleasure ; and to act without such seal, if a majority deem best, as fully as if with seal under the laws of this State.

SEC. 3. Be it further enacted, That when any va-
Vacancies. cancy occurs in said board of trustees by death or otherwise, the same may be filled by a majority of the remaining trustees.

SEC. 4. Be it further enacted, That said body corporate and their successors in office, or a majority of
Teachers. the members composing the same, are empowered to elect and employ annually, or otherwise, a principal teacher, and such principal teacher, by and with the consent and approval of the trustees, shall select and employ such teachers as may be necessary to meet the

demands of the college, and the principal teacher and the teachers employed by him, shall constitute the faculty of the college of which the principal teacher shall be president, with full power to execute all rules, regulations, and by-laws adopted by the trustees.

SEC. 5. Be it further enacted, That the trustees and the president of the faculty, and their successors in office, shall regulate the matriculation fees, and adopt a course of study with a view to educating and training males and females for teachers in the public schools of this State, and that such course of study shall embrace the different grades adopted by this State, and the same are hereby authorized to organize and establish any other departments of learning that they may deem best for the higher education of the pupils. Duties of trustees.

SEC. 6. Be it further enacted, That the trustees and president of the faculty, are authorized and empowered to confer degrees, to grant to the pupils in any department established wlien they have completed the course of study adopted for such departments, diplomas as evidences of merit and skill, such diplomas having the same efficiency as those granted by other colleges and institutions of learning; and no diploma shall be valid unless signed by the president of the board of teachers, and the secretary of the same. Degrees and diplomas.

SEC. 7. Be it further enacted, That nothing in this act, shall be so construed as to deprive the college of its pro rata of the public fund.

SEC. 8. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 6, 1889.

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No. 220.] AN ACT [H. B. 26

To authorize the mayor and aldermen of Birmingham to issue bonds of said city for an amount not exceeding five hundred thousand dollars for the purpose of building and constructing sewers, and making other permanent improvements in said city, paying floating debt of city, and paying for cemetery grounds.

SECTION 1. Be it enacted by the General Asesmbly of Alabama, That the board of mayor and aldermen of Bir-

mingham be and they are hereby authorized to issue
Bonds. bonds of said city of Birmingham to an amount not exceeding five hundred thousand dollars, or so much thereof as said board may deem necessary for the purposes hereinafter named, in denominations of not less than five hundred dollars each, and payable thirty years from the date of their issuance, with coupons attached bearing interest at a rate not exceeding six per cent per annum, and payable semi-annually to bearer, said bonds and coupons being payable in gold of the present standard weight and fineness, in the city of New York, at some bank designated by the board.

SEC. 2. Be it further enacted, That the bonds au-
Duties of mayor and treasurer. thorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of the city shall be affixed thereto, and the city treasurer must keep a correct record and account of all bonds issued and disposed of under this act.

SEC. 3. Be it further enacted, That said mayor and
Duties of mayor and aldermen. aldermen of Birmingham are hereby authorized to do any and all things that may be necessary to carry out the powers hereby granted, and no technical informality, irregularity, neglect or omission in the proceedings or record of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the properties and protection of commercial paper, and at and after maturity thereof shall he receivable for all dues to the city in the way of taxes and otherwise.

SEC. 4. Be it further enacted, That said mayor and aldermen of said city are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of
How proceeds to be used. this act, but said bonds shall not he sold for less than par (one hundred cents on the dollar), and the proceeds of said bonds shall be paid over to and kept by the treasurer of said city, to be used and applied in building and constructing sewers in said city, and in extending the sewer mains leading from said city to such point as the board may deem advisable, and in paying whatever floating or outstanding debt said city may have at the passage of this act, not to exceed ($25,000) twenty-five thousand dollars, and in paving or macadamizing the streets of said city, and in paying for cemetery grounds heretofore bought by said city, and in building school houses and furnishing the same.

SEC. 5. Be it further enacted, That the use, payment and application of said money shall be under the direction of said board of mayor and aldermen of Birmingham, and the said treasurer shall be responsible for the safe keeping of the proceeds arising from the sales of said bonds, which may come into his hands in his official capacity, the same as for other city funds, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

SEC. 6. Be it further enacted, That the bonds herein provided for shall have priority overall bonds of said city hereafter to be issued, and it shall be the duty of said mayor and aldermen of Birmingham to provide for the payment of the same, principal and interest, before providing for the payment of bonds which may hereafter be issued by said city. Priority.

Approved February 6,1889.

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No. 221.] AN ACT [H. B. 45

To incorporate the “Farmers Alliance Exchange of Alabama.”

SECTION 1. Be it enacted by the General Assembly of Alabama, That for the purposes hereinafter enumerated, the officers and members, their associates and successors, as now organized, of the Farmers Alliance Exchange of Alabama, be and are hereby declared and constituted a body corporate by the name and style of the “Farmers Alliance Exchange of Alabama,” and by that name may sue and be sued, may plead and be impleaded, answer and be answered, in any court of law or equity. Corporation.

SEC. 2. Be it further enacted, That the purposes for which this corporation is incorporated are : To conduct a general mercantile business, to act as agents for the purchase and sale of all kind of farm and orchard products, and general forwarding agents for all kinds of commodities ; to erect, manage and operate warehouses, stock yards, cotton and tobacco warehouses, grain elevators, packing establishments; to manufac- Powers.

ture guano or other fertilizer, and all such other enterprises as may be found necessary or advisable to their profit or betterment.

SEC. 3. Be it further enacted, That in addition to the powers hereinbefore conferred on said corporation, and as an incident thereto, the said corporation may receive deposits and make discounts, and engage in any other banking business, except to issue bills or notes for circulation, or bills payable to order or bearer.

SEC. 4. Be it further enacted, That said corporation shall have power by and under its corporate name to enjoy the following rights and privileges, to-wit: It shall be capable to purchase, receive, hold and enjoy lands, goods, chattels and property, of any kind and effect whatsoever; to grant, mortgage, sell and dispose of the same ; to sue and be sued, plead and be impleaded, contract and be contracted with ; to make a common seal and to alter and break the same ; to establish and put in execution a constitution and by-laws governing the corporation; to issue and float debentures and other bonds, and to do a printing and publishing business.

SEC. 5. Be it further enacted, That the capital stock of said corporation may be two hundred and fifty
Capital stock. thousand dollars, but shall not exceed that amount, and shall be divided into equal shares of one hundred dollars each.

SEC. 6. Be it further enacted, That subscription for
Subscriptions for stock. shares of capital stock shall be made by primary alliances and not by individuals, and shall be accompanied by 10 per cent. in cash of the amount of the subscription and the balance secured by note; Provided, that any alliance that wishes, can pay their subscription altogether in cash. Provided, that said corporation may, by a provision in its constitution and by-laws, or either, provide for another and a different mode for making subscriptions to said capital stock, and for the manner in which it may be done under the provisions of this section, or under the provisions of any other mode adopted by said corporation to raise said subscription.

Trustee stockholders. SEC. 7. Be it further enacted, That each primary alliance shall be entitled to one trustee stockholder, who shall be elected annually at the time of the regu-

lar election of officers. He shall represent such subordinate body in the meeting of trustee stockholders from and for all the subordinate bodies in that county, and shall be entitled to as many votes as he represents shares of stock. The county convention of trustee stockholders shall, at a regular annual meeting, elect from their number, one delegate for each ten shares of stock in that county, and one delegate for each fractional part of ten shares, who shall be authorized to represent the stock held in that county in the State meetings of the trustee stockholders of the corporation, and shall be entitled to as many votes as they represent shares of stock. Each trustee stockholder shall be the representative of the exchange in his alliance, and shall give bond in the sum of ($100) one hundred dollars for faithfully performing his duties.

SEC. 8. Be it further enacted. That the first stockholders meeting shall be at the time and place of the next meeting of the Alabama State Alliance.

SEC. 9. Be it further enacted. That the trustee stockholders shall elect annually, seven from their number as a board of directors.

SEC. 10. Be it further enacted. That the board of directors shall elect from their number a president, vice-president, secretary and treasurer. They may employ or discharge such other assistants as necessary, taking sufficient bonds to cover all responsibilities imposed upon them. They shall enact suitable by-laws and regulations, subject to the approval by the next meeting of the trustee stockholders; Provided, that all such by-laws and regulations shall have the full force of law until the stockholders shall have refused to concur in them; Provided further, that all persons who are acting at the approval of this act as an officer or director of said corporation, shall continue to act in said capacity until removed or resigned, or until said office or place shall become vacant for some other reason, and such vacancy is filled by the election of a successor, which may be done at a regular or called meeting of the stockholders or directors, or said corporation may determine by by-law ; Provided further, that any constitution or by-laws of said corporation now in operation shall remain in force until the first meeting of the stockholders.

Duties of bo'rd of directors.

Approved February 6, 1889.

No. 222.] AN ACT [H. B. 90

To provide for a charter for the city of Jasper, in Walker county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the city of Jasper, are hereby incorporated by the name and style of the "City of Jasper," under and by which name and style Charter of city is made and constituted a body corporate and politic, of Jasper. and acting by and through the. proper officers of said incorporation hereafter to be designated, all the corporated powers and privileges of this city, by this act granted, shall be executed and carried into effect as required, and under its corporate name aforesaid, the said city corporation, shall contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, and may purchase, receive, hold and sell, grant a lien and mortgage, assure and let property, real or personal, may have and use a common seal, which may be changed at pleasure, and do and perform all acts incident to such incorporation, not inconsistent with the laws and constitution of this State.

SEC. 2. Be it further enacted, That said city shall Boundaries consist of all the tracts, lots and parcels of land which are included in the present boundaries of the city of Jasper, as incorporated under the general laws of this State, on the 10 day of December, 1887.

SEC. 3. Be it further enacted, That the government Mayor and al- of said city shall be styled the " Mayor and Aldermen dermaen. of Jasper," and shall consist of a chief officer to be styled " Mayor of the city of Jasper," and five aldermen, to be elected as hereafter designated.

SEC. 4. Be it further enacted. That the election for Elections. mayor and aldermen, shall be on the first Tuesday in January, 1889, and biennually on the second Monday in September thereafter by ballot of the male inhabitants of said city of and over the age of twenty-one years, who have resided in said city for three months and in the State for twelve months, next preceding such election, and are qualified electors under the general election laws of this State, and are registered as hereinafter provided. And should the election not take

place on the day fixed for the biennual election of mayor and aldermen, the corporation shall not for that cause be dissolved but the incumbents shall remain in office till their successors shall be elected and qualified, and it shall be the duty of the mayor and aldermen to fix some day, as early as convenient within one month thereafter, on which day the said election shall be held, and should the mayor and aldermen fail or neglect to provide for the election as herein described, they shall be guilty of a misdemeanor, and should a vacancy occur in the board by the death, resignation or removal from the city, or from any other cause, except on a contest of election as now provided by law, the remaining members of the board shall fill the vacancy at its next regular meeting, after such vacancy , occurs.

Paragraph 5. Be it further enacted, That said election shall be conducted to the law governing elections for officers under the general laws of this State, except as declared in this act, but no person shall be entitled to vote at said election unless he possesses the qualifications mentioned in the seventh article of the constitution of this State and shall have resided in the said city for three months or in the ward in which he proposes to vote for thirty days, and shall have caused himself to be registered in the ward of his residence in the manner hereinafter provided and shall have produced and surrendered to the inspectors of election, at the polling place of said ward, the original certificate of such registration hereinafter provided. Qualifications of voters.

Par. 6. Be it further enacted. That at said election, there shall be one polling place in each ward, and it shall be the duty of the mayor and city clerk to provide for the opening of said polls, and to give ten days notice by publication in a newspaper or newspapers of said city of the time and place of holding such elections and the names of the inspectors of election of each polling place. The said mayor and aldermen shall appoint the said inspectors who shall be a member of each political party, if practicable, and said inspectors shall be qualified electors at said election. Polling places*

Par. 7. Be it further enacted, That at least twenty days before the second Monday in September on which the election is to be held, it shall ba the duty of the Registration.

mayor and aldermen to appoint one person of each place of registration, to act as a register of voter, the place of registration in each ward to be appointed by the board. Said registrators shall respectively commence registration on the third Monday in August next preceding the election, and shall continue the same until within seven days of said election, at which time said registration shall be closed. Each of said registrars shall give at least five days notice by advertisement in some newspaper published in said city of his appointment, of time and place at which lie will attend and make registration of voters as hereinafter required and should any of the registrars so appointed fail to act or from any cause a vacancy should occur in said appointments, then the board shall appoint some other party in his stead. Before registration is made of any applicant therefor, said registrar must be satisfied by personal knowledge or sufficient evidence that such applicant has resided at least .three months in the city, and thirty days in the ward in which he proposes to register and vote, and that he will be legally entitled to vote at the next ensuing election for municipal officers of said city, according to the requirements of the fourth section of this act, and said registrars being satisfied, must thereupon place the name of such applicant upon the registration list, together with his color and the ward of his residence, bounding the latter by streets and avenues, and give such other description as may be easily intelligible. The name of the party registering shall be placed upon said list alphabetically, and be numbered in the order of registration, giving his name, age, ward of residence, and the number of his registration. The right of any person to be registered as a voter, may be challenged in the same manner as hereinafter provided for the challenging of any person who may claim the right to vote at any municipal election of said city, and in case the registrar is in doubt and cannot decide for himself any matters pertaining to his duties of registrar under this act, then said registrar shall take the advice upon such matters of some competent, practicing attorney at law in said city, to be selected by him; Provided however, that when an applicant for registration is identified by some person known to the regis-

trar, who will make oath to the identity of such applicant and such applicant will subscribe to the following oath:

"I solemnly swear or affirm that I have resided in the State of Alabama one year, in the city of Jasper three mouths, and in the ward in which I now live thirty days next preceding this election, that I am twenty-one years of age, and that I have never been convicted of any crime involving moral turpitude." In such event the registrar is required to furnish the said applicant the necessary certificate of registration with the name of the person who identified said applicant indorsed thereon. And it shall be the further duty of the registrar to furnish the inspector for his ward with a list of the voters subscribed under the provisions of this section. Each of said registrars shall carefully preserve the original registration list of the voters registered by him, and make, or cause to be made, a correct copy thereof, and certify said original copy over his signature, and immediately after the closing of the registration list shall deliver the said original and said copy to the mayor of said city.

Par. 8. Be it further enacted. That before entering upon the discharge of said duties, each of said registrars shall make and subscribe an affidavit before some officer authorized to take affidavit, that he will faithfully and truly perform the duties of registrar by this act imposed upon him, and that he will honestly, without fear, favor or affection or prejudice, and without reward or the hope thereof, cause registration to be made of all persons who may personally apply therefor and show that they are legally entitled to vote at the next ensuing election, and of no other person. Said affidavit shall be filed by said registrar in the office of the city clerk. For every willful violation of their duty as such registrars they shall, on conviction, pay a fine of two hundred dollars for the city of Jasper.

Duties of registrars.

Par. 9. Be it further enacted, That as soon as practicable the mayor of said city shall cause at least fifty carefully corrected copies of each of said registration lists of the city to be printed, and shall furnish to each of the inspectors of (election, one printed copy of the registration list to be used at such election. One of these printed copies shall be designated and used by each

List to be printed.

set of said inspectors, as their official copy, and shall be returned with the ballots cast at such election, as part of their official returns, as herein directed. It shall be the duty of said mayor, at least one day before said election, to post on postoffice door or at some other public place in said city, one copy of the registration list. The original of said list and the certified manuscript copies as received from the registrar shall, after said printed lists have been prepared by the mayor, be deposited with the city clerk, to be preserved among the records of said city ; said original lists to be used, however, by the inspectors of said elections.

Duties of inspectors.

Par. 10. Be it further enacted. That the inspectors of said election shall not receive the vote or ballot of any person whose name does not appear on the registration list as being registered in the ward in which he proposes to vote, as furnished by the mayor, and who does not at the time of voting present and surrender to the inspectors of election his certificate of registration issued to him under the provisions of section five of this act, to be by said inspectors there and then cancelled, and does not on demand make satisfactory proof of his identity with the person whose name may be on his said registration list. For the purpose of such elections the printed list furnished to the inspectors by the mayor, and hereintofore described as the official list, shall be taken to be correct, but subject, if error be alleged, to be corrected, by comparison with the original registration list for that ward, which for that purpose shall be in the custody of the inspectors at the time and place of such election. Upon the receipt of any vote by the inspectors they shall forthwith draw a line with red ink on said registration list over the name voted. The said inspectors shall immediately after the polls are closed proceed to count the ballots cast at their respective polling places and certify the result of the election to the mayor and aldermen of said city. They shall inclose the ballots cast in their respective boxes with the poll list and registration list of the city for that ward, and the certificates of registration surrendered at the election, together with their said certificates of the result in the box in which are placed the ballots

received at such election, and after carefully sealing the same, deliver said box with its contents to the clerk of said city, who shall give the said inspectors his receipt for said box, stating in said receipt the condition of said box when received by him.

Par. 11. Be it further enacted, That the said mayor and aldermen of said city, or a majority of them, shall immediately after the delivery of the boxes, poll lists and inspectors certificates of the respective polling places as hereinbefore required to said clerk, proceed to open the said boxes, and by a footing up of the returns as made by the inspectors of the several polling places (and by a count of the vote if deemed necessary by the board) ascertain which of the candidates have received the highest number of votes for the respective offices, and declare the election to their respective offices of the persons who have received the largest number of legal votes for the respective offices, to be filled at said election and shall give certificates of election to their respective offices to the persons so found to be elected. But in case said mayor and aldermen or a majority of them were candidates at said election, then the clerk, the treasurer and the marshal of said city shall foot up the returns, after being duly sworn to act fairly and honestly in the premises, and declare the result and issue the certificates of election as above stated. The said certificates of election so issued by the mayor and aldermen, or a majority of them, or by the clerk, treasurer and marshal, shall entitle the person so certified to the possession of their respective offices immediately upon the expiration of the term of office of their predecessors, as fixed by the statutes, subject, however, to contestation of their rights, as is now or may be provided by acts of the General Assembly for judges of probate.

Mayors and aldermen to declare results.

Par. 12. Be it further enacted, That any person offering to vote at any municipal election in the city of Jasper may be challenged by either of the inspectors, or by any qualified elector, and it is the duty of each inspector to challenge any person offering to vote whom he knows, or suspects not to be qualified under this act as an elector. When any person is challenged if his ballot be not withdrawn one of the inspectors must tender him the following oath: "You do solemnly swear that you will fully, truly answer all questions that may be put to you,

Challenges.

touching your qualifications as an elector." The inspectors or one of them must then examine him as to his qualifications under this act. When a vote is so challenged it must be counted by the inspectors, but such vote must also be deposited in a separate box and so designated to the board as a contested vote.

Illegally registering or voting, a felony.

Par. 13. Be it further enacted. That any person who falsely personates another and thereby casts a vote to which he is not entitled, or thereby obtains registration as a voter to which he is not entitled, or attempts by such false personation of another to obtain such registration, or after having once voted at such election, votes a second time, or attempts to vote a second time, whether in the same ward or another, or shall vote in such election when not entitled to do so, or shall falsely attempt to do so, or after having once obtained registration in any ward, shall cause himself to be registered a second time, or attempt to obtain a second registration, whether in the same or another name, or shall aid or assist another not entitled, knowing him not to be entitled to vote or to obtain registration as a voter, or shall willfully give a false answer to any question put to him by any inspector or registrar, shall be guilty of a felony and on conviction shall be punished by imprisonment in the penitentiary or hard labor for the county for the space of not less than six months, or more than one year.

Legal voters.

SEC. 5. .Be it further enacted, That every male inhabitant of twenty-one years of age who shall have resided in the State of Alabama one year, and within the city of Jasper for three months next preceding the election shall be a legal voter and not otherwise.

Powers of mayor and aldermen.

SEC. 6. Be it further enacted. That the board of mayor and aldermen of said city shall have power to elect a city clerk, treasurer, city marshal and such other officers, agents or employees as they may see fit or think necessary for the good government of said city and to carry out the powers herein granted, and may prescribe the duties, liabilities and powers of such officers, agents or employees, and may require them to give bond in such sums as they see fit for the faithful discharge of their duties, and may remove and discharge any of the officers, agents and employees appointed by them at pleasure. And they may fix the salaries and compensations of all officers, agents and employees of said city.

For any breach of the bond of any city officer, agent or employee, suit may be brought in the circuit court of Walker county, Alabama, or before any justice of the Seace (when the amount does not exceed one hundred dollars), or before any court having jurisdiction, and such suit shall be governed in the same manner as other like suits in this State. The mayor or any of the aldermen may be impeached for cause, or malfeasance in office or such other cause as said board of mayor and aldermen may ordain, and may pass rules and ordinances as may be necessary to bring the offenders to trial, and may on conviction suspend or expel such offenders. The city clerk shall keep a regular record of all proceedings, orders, regulations, resolutions, and ordinances of the city of Jasper which shall be read to the board of mayor and aldermen and signed by the mayor, or acting mayor, and countersigned by the secretary when approved by the board. And the same shall have the force and effect of a record, and a copy thereof certified by the clerk or secretary shall be prima facie evidence in any court of record, or elsewhere, and said record shall be open at any time to inspection.

SEC. 7. Be it further enacted, That in case of the temporary disabilities of any of said officers the said mayor and aldermen shall be empowered to appoint substitutes in their places until their disabilities be removed. Quorum, etc.

SEC. 8. Be it further enacted, That a majority of the board of mayor and aldermen shall be required to transact any corporate business, but any number not less than two may assemble at the regular place of meeting and adjourn from day to day, and shall have power to compel the attendance of absent members in such manner and under such penalties as the board of mayor and aldermen may prescribe. That said board may determine its rules of proceeding and may fine its members for absence or disorderly behavior. In the absence of the mayor at any meeting of the board the members may select a presiding officer and in case of sickness or temporary absence from the city or inability to serve for a good cause he may appoint any one of the aldermen to act as mayor during such sickness or absence or inability, or if the mayor fails or refuses to make such appointment then the board of aldermen must appoint one of

their number to act as mayor during such absence, sickness or inability. And such mayor pro tempore, shall have all the powers of the mayor and shall perform all the duties of the same.

Duties of mayor.

SEC. 9. Be it further enacted. That it shall be the duty of the mayor to preside over and keep order at the meetings of the board. He shall call special meetings of the board whenever in his opinion the interest of the city requires it, or upon the application of two or more aldermen. He shall keep an office in said city, and hear and determine all cases of violation of all by-laws or ordinances, and punish the offenders in such manner as the board of mayor and aldermen may direct, and shall possess within the corporate limits of the city, all powers and jurisdiction of a justice of the peace, in both criminal and civil cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace. From any judgment or decision of said mayor, as such, an appeal may be taken by the defendant if in a criminal case, or by either party if in a civil case, to the next term of the circuit court of Walker county, Alabama. Upon the defendant, if in a criminal case, entering into bond with security payable to the city of Jasper in such sum as the mayor may require, conditioned to prosecute such appeal to effect and pay and discharge such judgment as the circuit court may render, and if in a civil case, appellee must enter into bond as is now required by law in such case in the courts of justices of the peace, provided said appeal or appeals shall be taken within five days from the rendition of such judgment by the mayor. The said appeal when taken shall be tried and determined de novo.

Powers of mayor and aldermen.

SEC. 10. Be it further enacted. That the mayor and aldermen shall have free and complete power, first, to make, adopt and declare motions, resolutions and ordinances in whatever manner and upon such subjects as they see fit to carry out the powers herein granted, and for the good government and order of said city, and to affix thereto such penalties for violation of the same, by fine not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days, one or both. And all persons convicted of a breach of any by-laws or ordinances failing to pay or secure such fine may be imprisoned for such failure, or placed at hard labor for the city until such fine and costs are paid in

such manner and for such time as may be by ordinance or by-laws provided, but in no case longer than sixty days. Second, to pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases, from being introduced into said city limits. To establish and regulate and efficient quarantine within said city and to punish any breach of quarantine laws, and to prescribe the duties and to fix the salaries and compensations of all such health officials as they may deem necessary under the existing health laws of the State. Third, to prevent and remove all nuisances at the expense of the person causing the same or upon whose premises the same may be found. Fourth, to establish, set up and regulate all hospitals, poorhouses, workhouses and houses of correction. Fifth, to restrain or prohibit gambling houses, houses of ill-fame, disorderly conduct, breaches of the peace, riots and unlawful assemblies, public indecencies, disturbing religions worship, profanity, and all games of sport of all immoral character. Sixtli, to regulate night and day watches, police patrol and captains thereof. Seventh, to establish and control markets and market-houses and to pass by-laws and ordinances regulating the sale of meats, vegetables and other like articles within certain places and within certain houses. Eighth, to sink, repair and regulate public wells and cisterns, to establish and regulate public ims plugs and hydrants, and to make all needful provisions for the supply of the city water, by water-works or otherwise, gas and gas lights or other lights, and to control the same. Ninth, to establish avenues and alleys or discontinue the same, and to regulate and control the paving, draining, repairing and curbing of streets and side walks and giving the grades thereof, set out trees in streets, alleys and parks, and prescribe penalties for injuring the same. Tenth, to establish and build drains, sewers acqueducts and reservoirs and to regulate the same and to pass all laws, ordinances and resolutions to compel owners of lots or real property to ditch or drain the same, at the expense of the owner and to punish any refusal of such owner or person in charge of such lot or property by fine or imprisonment, one or both. Eleventh, to establish, lay out, and improve public parks and to regulate the same. Twelfth, to establish, regulate and change fire limits within said city,

and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner therefor a reasonable price, which may be determined by arbitration. Thirteenth, to lay out, regulate, improve and control city cemeteries and burial grounds, and for this purpose may purchase lands within or without said corporate limits, and may sell burial lots within the same. Fourteenth, to prevent the running at large on the streets all cows, hogs, dogs, asses, horses, or other animals, and to pass all laws deemed necessary for the sale and impounding of said stock. Fifteenth, to establish, regulate and control free white public schools and free colored public schools in said corporate limits, either or both, to pay the teachers thereof and to organize and establish such schools in connection with other schools established or organized under the direction of the board of education of this State on such terms as may be agreed upon by them or any other school independently of said board of education ; Provided, that no more than one-tenth the gross general revenue of said city shall be applied to the support of such public schools ; Provided, further, that they may prescribe the terms upon which the children of non-residents of said corporate limits may be admitted to said schools. Sixteenth, to regulate and control the building of street railways on the streets, avenues and alleys of said city and the running of cars thereon, and to regulate and control the running of cars or locomotives upon or across the streets, avenues or alleys of said city, and to regulate and control the speed of such cars, engines or trains within the corporate limits of said city. Seventeenth, to pass all laws necessary and proper for the arrest and bringing to trial of any persons against whom there is a charge made of violating any city or State laws, to pass all laws needful for the issuance and execution of such warrants. Eighteenth, to make and ordain all laws necessary concerning peddlers, paupers, vagrants, and disorderly or vicious habits, and all persons convicted of the breach of the by-laws and ordinances of said city, failing to pay such fine and costs as may be imposed by the mayor or acting mayor, may be placed at hard labor for the city or imprisoned until such fines and costs are paid. Nineteenth, to pass by-laws and ordinances in relation to auctioneers carrying on their business on the streets, and

to regulate the same. To enact all ordinance or ordinances to prohibit the wearing of any uniform adopted by the police force of the city by any person except those belonging to the police force under a penalty of fine and imprisonment at hard labor on the streets, either or all at the discretion of the said board of mayor and aldermen. Twentieth, to punish all persons who in any manner obstruct the marshal, captain of police, or any policeman or other officers in the arrests of any persons in said corporate limits, or in the lawful discharge of any of their duties in said corporate limits, and-for the punishment of any or all persons who, when called upon to aid in the arrest of any person, shall fail to give such aid or assistance, or when summoned to act as patrol refuses to act. Twenty-first, the said mayor and aldermen shall have power to pass and establish inspection laws, to erect public scales, to appoint weighers and fix fees for weighing to be paid by the buyers or sellers, and may lease said scales for a term not exceeding twelve months at one time. Twenty-second, said board of mayor and aldermen shall have power to pass by-laws, ordinances and resolutions providing for grading, paving, curbing and keeping in repair the sidewalks, and for planting and removing shade trees on sidewalks or parks in such manner as shall not be inconsistent with the constitution of this State. Twenty-third, said board of mayor and aldermen shall have power and authority to contract with any person or persons or association of persons or corporation to grade or pave, streets avenues and alleys, to construct and repair sewers, to light said city, and all buildings used for city purposes with gas, electric or other lights, one or more, to supply said city with water and regulate the conveyance and distribution of water throughout said city, and generally to do every matter and thing for the good and welfare of said city not inconsistent with the constitution and laws of the State of Alabama. Twenty-fourth, said board of mayor and aldermen shall have authority to levy and collect from all persons and corporations trading or carrying on any business, trade or profession, by agent or otherwise in said corporate limits a license tax on said business, trade, profession or calling, except mechanics who employ no capital, but conduct their trade solely by their own skill, labor and

attention without employees, provided that no license tax shall exceed the sum of five hundred dollars, to levy, assess and collect each year taxes on all real and personal property in said city for general purposes, not to exceed me-half of one per cent; Provided , that personal property brought into the city during the year and after the assessment of the city tax is closed, shall be assessed and taxed pro rata for the remainder of said year, unless said property has been assessed or is subject to assessment in some other city, town or village in this State, provided that in case any person or property has escaped taxation in previous years, the assessor shall assess the same, to be collected as other taxes are collected ; Provided further, that when said assessor shall have completed the assessment for said city taxes he shall return the same to the board of mayor and aldermen. Said board may hear any complaint of property owner as to excessive valuation upon their property, and they may reduce or raise the valuation of said property so assessed, as may in their judgment be consistent with justice and right; Provided, that all property used exclusively for charitable, educaional and religious purposes, or either of them, and all public parks shall be exempt from taxation by said city.

SEC. 11. Be it further enacted. That no person shall hold the office of mayor or alderman of said city who has not resided therein one year next preceding the election, and the aldermen must be residents of the wards, lid qualified voters therein, for which they are respectively elected at the time of their election.

SEC. 12. Be it further enacted. That said board of mayor and aldermen shall have authority to require all male inhabitants of said corporation, who shall have resided therein ten days and who are between the ages of eighteen and forty-five years, to work upon the streets of said city for at least five days during the year, under the direction of such officers as the city may appoint, provided that any person so required to work may relieve himself from so working, by paying into the city treasairy the sum of five dollars; Provided , that such persons have not paid and are not liable for road duty in other cities or counties in this State ; Provided further, that all moneys so paid shall be held as a street fund and shall be applied exclusively to the improvement of the streets; Provided further, that the following named

Work on streets.

persons shall be exempt from street service or street tax, to-wit: Ministers of the gospel regularly engaged in their ministerial calling, persons physically unable to do manual labor, who shall obtain such a certificate from the board of censors, all students at school.

SEC. 13. Be it further enacted, That it shall be unlawful for any officer, agent or employee of the said city, either directly or indirectly, by himself or by his agent, to purchase, deal in or traffic, in any manner any claim, debt, warrant or script due from the city, other than city bonds or coupons, and any such persons found so dealing shall be guilty of a misdemeanor, and on conviction, shall be punished by a fine not less than ten nor more than one hundred dollars. But nothing herein shall prevent any officer, agent or employee from acquiring directly, and receiving in good faith, any claim in payment of a debt due to him, nor from purchasing in good faith as much of said claims as may be necessary to pay his taxes and license for the current year.

City, officers not to deal in city claims.

SEC. 14. Be it further enacted. That the mayor and aldermen, each before entering upon the duties of their office, shall make and subscribe the following oath : "I solemnly swear that I will support the constitution of the United States, and the constitution of Alabama, so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability, so help me God." which oath shall be filed in the office of the clerk of said board,

Oath of mayor and aldermen.

SEC. 15. Be it further enacted. That the city of Jasper, created by this act, shall succeed to, and be liable for all the property, rights, claims and liabilities owed or owing by the town of Jasper, as it existed prior to this act.

SEC. 16. Be it further enacted. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 6, 1889.

No. 223.] AN ACT [H. B. 108

To repeal section 1450 of the Code of 1886, so far as the same applies to the counties of Cherokee and Cleburne.

SECTION 1. Be It enacted by the General Assemby of Alabama, That section 1450 of the Code of 1886, which reads as follows, to-wit: No licensed toll-bridges or ferry must be established on the same water-course within two miles of any other, unless within that distance of some town or city containing not less than five hundred inhabitants, be and the same is hereby repealed, so far as it applies to Cherokee and Cleburne counties.

Toll bridges or ferry.

Approved February 6, 1889.

No. 224.] AN ACT [H. B. 140

To amend section 4053 of the Code of Alabama, so far as relates to the county of Madison.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 4053 of the Code of Alabama be and the same is hereby amended so as to read as follows :

Sec. 4053(4207). Same; exceptions; burden of proof.—A conviction must not be had under the preceding section if it is shown on the trial that the playing occurred at any house, room or building attached to or forming part of a public watering place or other public place kept and used in part or exclusively as a resort for health, and all places of like character and under the control of the owner or lessee of such place or resort; or at a house, room or building in the use or occupancy of any social club or literary society incorporated under the laws of this State, and that in the room in which such playing occurred spirituous, vinous or malt liquors were not kept, retailed, sold or given away, and that nothing of value was bet on such playing ; Provided, that the provisions of this act shall apply alone to the county of Madison.

Card playing, etc.

Approved February 6, 1889.

No. 225.] AN ACT [H. B. 153

To amend an act to amend and extend the charter of the Mobile Mutual Insurance Company, approved February 6, 1866, and to change the name of said company, and to amend an act entitled an act to amend an act entitled an act to incorporate the Mobile Mutual Insurance Company, approved February 4, 1867, and to amend an act entitled an act to amend an act entitled an act to incorporate the Mobile Mutual Insurance Company, approved February 6, 1866, approved August 11, 1868, which last act was approved February 17, 1885.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the fourth section of an act to amend an act to amend and extend the charter of the Mobile Mutual Insurance Company, approved February 6, 1866, and to change the name of said company, and to amend an act entitled an act to amend an act entitled an act to incorporate the Mobile Mutual Insurance Company, approved February 4, 1867, and to amend an act entitled an act to amend an act entitled an act to incorporate the Mobile Mutual Insurance Company, approved February 6th, 1866, approved August 11, 1868, which last act was approved February 17, 1885, and which section reads as follows, to-wit:

Sec. 4. Be it further enacted, That the capital stock of said company shall be at least one hundred and twenty-five thousand dollars, and may be increased from time to time as provided by the laws of the State of Alabama, to any amount not exceeding five hundred thousand dollars, to be divided into shares of fifty dollars each ; be and the same is hereby amended so as to read as follows, to-wit:

Sec. 4. Be it further enacted, That the capital stock of said company shall be one hundred and twenty-five thousand dollars, and may be diminished to one hundred thousand dollars, or may be increased from time to time to any amount not exceeding five hundred thousand dollars, to be divided into shares of fifty dollars each, by the vote of the persons holding the larger amount in value of the stock at a meeting of the stockholders called for that purpose, of which meeting and

Stock of company

the purpose for which it is called, thirty days notice must be given each stockholder personally where residence is known, and by publication once a week for four consecutive weeks in some newspaper published in Mobile.

Approved February 6, 1889.

No. 226.] AN ACT [H. B. 208

To authorize the mayor and council of Troy to issue bonds of said city for an amount not exceeding twenty thousand dollars, for the purpose of purchasing school lots in said city, and for erecting, adding to and improving school buildings and furnishing the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the mayor and councilmen of Troy, in Pike county, be and they are hereby authorized to issue
Bonds. the bonds of said city of Troy, to an amount not exceeding twenty thousand dollars, or so much thereof as said mayor and councilmen may deem necessary for the purpose hereinafter named, in sums of one hundred dollars each, and payable at such time and place as said mayor and councilmen may designate, not exceeding thirty years from the date thereof, and redeemable at the pleasure of said city at any time after the period of fifteen years, with coupons attached bearing interest at a rate not exceeding six per cent and payable annually to bearer.

SEC. 2. Be it further enacted. That the bonds authorized to be issued under the provisions of this act
Duties of city officers. shall be signed by the mayor and countersigned by the treasurer of said city, and the seal of the city shall be attached thereto, and the said city treasurer must keep a correct record and account of all the bonds issued and disposed of under this act.

SEC. 3. Be it further enacted, That the said mayor and councilmen of Troy are hereby authorized to do any and all things authorized by this act, which may be necessary to carry out the power hereby granted, either through themselves or by any agent or agents duly authorized or appointed by them for that purpose, at any meeting of said board, whether at a regular or special

meeting thereof, and no technical informality, irregularity, neglect or omission in the proceeding or records of said bonds, shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial papers.

SEC. 4. Be it further enacted, That the mayor and councilmen of said city are hereby authorized to negotiate and sell such bonds as are issued by them by virtue of this act, but said bonds shall not be sold for less than par, one hundred cents on the dollar, and the proceeds of said bonds shall be paid over to and kept by the treasurer of said city, and to be used and applied to the purposes of school lots in said city, and for the erecting and improving school buildings and furnishing the same and city buildings, one or both, for said city, said use, payment and application of said proceeds to be under the direction and by authority of said board of mayor and councilmen, and the said treasurer to be responsible for the safe keeping of all the proceeds arising from the sale of said bonds which may come into his hands, in his official capacity, the same as other city funds or money in his hands as such treasurer, and there shall be no commissions paid said city treasurer for receiving or disbursing the funds arising from the sale of the bonds named in this act.

How proceeds to be used.

SEC. 5. That it shall be unlawful for said board of mayor and councilmen or any member thereof or any of the officers of said city of Troy to apply the proceeds of the sale of any of the bonds issued by authority of this act, to any other purpose than that hereinbefore specified.

SEC. 6. Be it further enacted. That for the better securing the payment of said bonds at maturity, the said corporate authorities may execute to trustees, or in such manner and form as may be deemed best for the city, a mortgage upon the real estate upon which the said buildings are to be erected, and said mortgage may be signed and executed by the mayor in such manner as the board may direct.

Mortgage.

SEC. 7. Be it further enacted. That before entering upon the duties and powers under this act, the treasurer of said city shall execute a good and sufficient bond in the sum of ten thousand dollars, conditioned to perform the duties and exercise the power hereby imposed upon and granted him. Said bond shall be approved by the mayor

Treasurer's bond.

of said city and be payable to the mayor and councilmen of Troy, and unless said bond be given and approved as above set forth, the mayor and councilmen of Troy shall select some other citizen of Troy to act under this act, and perform all the duties and exercise all the powers provided by this act for the treasurer of said city, and subject to the same conditions provided for the treasurer by this act.

SEC. 8. Be it further enacted. That the powers herein granted or contained shall not be exercised prior to the first day of March, 1889.

Approved February 6, 1889.

No. 227.] AN ACT H. B. 459

To amend section (10) ten of an act entitled an act to incorporate the inhabitants and territory formerly embraced within the corporate limits of the municipal corporation (since dissolved) styled the city of Selma, and establish a local government therefor.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section ten of an act entitled an act to incorporate the inhabitants and territory, formerly embraced within the corporate limits of the municipal corporation (since dissolved) styled the city of Selma, and establish a local government therefor, approved February 17, 1883, be amended so as to read as follows : Section 10. Be it further enacted, that the mayor and councilmen of Selma shall have full power and authority to pass by-laws and ordinances ; to regulate the stationing, anchorage, and mooring of vessels within their jurisdiction, and to regulate the landing of all goods landed within the city limits from steamboats and other water craft; to prevent nuisances, and to declare and remove nuisances; to prevent the introduction of contagious or infectious diseases within the said city by regulating the landing of vessels having sick on board, and the landing of the sick or of articles calculated to produce diseases, and by providing one or more places for the reception of the sick, or by any other lawful means whatsoever; to establish night

Pow'rs of mayor and council men of Selma.

watches and patrols ; to erect lamps; to regulate the sale of ardent spirits, and to provide for licensing and regulating retailers of liquors, within the limits of said city, and to fix the sum to be paid for the same, and annulling the same on good and sufficient complaint being made against any person holding such license, and to prohibit the retailing of liquors within the limits of said city when deemed proper, and to close up retail establishments for such time as they may deem necessary ; for the regulation of hackney-coaches, carriages, cabs, wagons, carts and drays, and for licensing them; and for the regulating of pawnbrokers within the city, to restrain or prohibit gambling, and to provide for licensing or prohibiting cock fighting or pits ; and to regulate and license theatricals and other public amusements, and all race courses and tracks within the city ; to establish and regulate markets, and to rent out stalls in the same, and to regulate the slaughtering of animals for market and the sale of fresh meats, fruits or vegetables within the city and within one half mile of, or outside of the corporate line of said city, or the limits thereof, to erect and repair bridges ; to keep in repair all necessary streets and avenues, and to open up new streets, or to widen or change the direction or name of the streets within said city, upon making compensation to the owners of the lands taken for public use ; to make all drains and sewers required, and to keep them open ; to pass all ordinances necessary for preserving the streets, alleys, sewers, bridges and other public property of the city ; to organize and regulate fire companies, to enact by laws for the extinguishment of fires, and if necessary, to remove or pull down buildings or fences, for the prevention of spreading of fire, and to sink wells, to make reservoirs, to erect and repair pumps in the streets or such other places, as the public good may require ; to erect or establish hospitals, pest houses, houses of correction, penitentiaries or other buildings for the use of the city ; or to join with the county of Dallas in the erection of the same ; or to acquire by lease, purchase or otherwise, the use of houses for hospitals, &c., and to levy and collect taxes, as prescribed by this act, for defraying the expenses of the city; to restrain and prohibit nightly or

disorderly assemblages of all persons; to cause all vagrants, idle, disorderly or dangerous and suspicious persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found begging or drunk, in or about the streets, or loitering about tippling houses, aud who have no visible or honest employment or business in the city, or who have no fixed place of residence, or can not give a good account of themselves, all who are grossly indecent in language or behavior publicly, and all such public prostitutes as lead a notoriously lewd or lascivious course of life, to give security for their good behavior for a reasonable length of time, and to indemnify the city against any charges for their support; and in case of their inability or refusal to give such security, to cause them to be confined to labor, for a limited time not exceeding six months, unless such security shall sooner be given ; which said labor shall be designated for the benefit of the city ; and for all subsequent offenses of the same kind, a like punishment may be inflicted, by like proceedings from time to time ; to take care of, preserve, remove, designate and regulate all burying grounds within the city; to regulate all weights and measures ; to erect public scale houses with proper scales, weights and measures ; to appoint weighers and measurers to weigh and measure wood, coal, iron, hay, fodder and corn ; to provide for measuring gas, and for this purpose to appoint an inspector of gas metres, and to pass all such resolutions, by-laws and ordinances, as they may deem necessary and proper for the good government of the city, not contrary to the laws of this State, and to carry into effect the powers conferred by this charter, upon said mayor and councilmen, and the by-laws, ordinances and resolutions heretofore passed, and adopted by the said municipal corporation, styled the city of Selma, and which remained of force, at the time of its dissolution, are hereby revived and established as and for the by-laws, ordinances and resolutions of the corporation hereby created, so far as the same are applicable and are consistent with the limitted powers of the corporation hereby created, and are not in conflict with any of the provisions of this act; and the same thus qualified, are

continued of force and effect until altered or repealed by the municipal authorities of the corporation hereby created; Provided,, that nothing in said by-laws, ordinances, or resolutions contained, shall be construed as conferring upon said municipality, or its officers, any power or authority other than as prescribed and set forth in this act.

Approved February 6,1889.

No. 228.1 AN ACT [H. B. 556

To prohibit the driving of logs, timber or lumber in that part of Choctawhatchee river in this State below the town of Newton in Dale county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That no person, company or corporation, shall carry or assist in carrying as owner, employee or laborer, or otherwise, loose logs, timber or lumber known as drives, or driving, in or upon that part of the Choctawhatchee river below the town of Newton in this State; but nothing in this act shall be so construed as to prevent the use of said portion of said river by any and all persons desiring to float logs, timber or lumber; Provided, such logs, timber or lumber shall be put into rafts with a sufficient force thereon to properly manage the same, so as not to impede or hinder navigation of said stream for steamboats, barges or other crafts used for the purpose of transporting products of the country, or goods, wares or merchandise.

Regulating the floating of timber, etc.

SEC. 2. Be it further enacted. That any one violating the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than twenty-five nor more than five hundred dollars, one fourth of which shall go to the informer.

Penalty.

Approved February 6, 1889.

No. 229.] AN ACT [H. B. 372

To authorize the court of county commissioners of Jefferson county to issue bonds of said county to an amount not exceeding two hundred thousand dollars for the purpose of completing the court house, and for the purpose of paying for additional ground upon which to build said court house, and for the purpose of building an addition to the jail for said county.

SECTION 1. Be it enacted by the Geneal Assembly of Alabama, That in order to procure the means to complete the court house, and for the purpose of paying
County bonds. for additional ground on which to build said court house, and for the purpose of building an addition to the jail for said county of Jefferson, the court of county commissioners of said county are hereby authorized and empowered to issue bonds of said county to an amount not exceeding two hundred thousand dollars, or as much thereof as they may deem necessary for the purpose aforesaid; and payable at such time or times as said court may agree upon, not exceeding forty years from the date of issuance with coupons attached, bearing interest at a rate of not exceeding eight per cent. per annum, and receivable in payment of all county taxes.

SEC. 2. Be it further enacted. That the bonds and coupons issued under the provisions of this act, may be made payable at such place as the court of county commissioners may direct, and shall be negotiable and may be issued in such sum or sums as said court of county commissioners may deem best.

SEC. 3. Be it further enacted. That the bonds au-
Duties of tres- thorized to be issued under the provisions of this act,
urer and judge shall not be valid until the same have been signed by
of probate. the county treasurer and countersigned by the judge of probate, and the seal of the county affixed thereto, and the county treasurer is required to keep a correct account of all bonds issued and disposed of under the provisions of this act.

SEC. 4. Be it further enacted. That the bonds issued in accordance with this act shall be exempt from county and city taxes in the said county of Jefferson.

SEC. 5. Be it further enacted. That the commissioners' court of said county are hereby authorized to do any and all things authorized under the provisions of this act, which may be necessary to carry out the powers granted by this act, either through themselves or any agent or agents duly appointed by them for that purpose, at any term of said court, whether regular or special, and if done at a special term of said court, its proceedings shall be as valid to all intents and purposes as if done at a regular term, and no technical informality, irregularity, neglect, or omission in the proceedings or records of said court shall in any wise vitiate or annul said bonds, or coupons, which shall have all the protection and properties of commercial paper. Commissioners court.

SEC. 6. Be it further enacted. That in order to meet the interest upon said bonds as it falls due, and the principal at maturity, the said court of county commissioners are hereby authorized and required, when necessary, to levy a special tax from time to time upon all properties, licenses, and businesses subject to a State tax under the revenue laws of this State, situated or located within the limits of said county. Special tax.

Approved February 7, 1889.

No. 230.] AN ACT [H. B. 490

To amend the act entitled an act to authorize the commissioners court of Barbour county to establish or abolish districts in which stock may be prevented from running at large, approved December 12, 1882.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the act entitled an act to authorize the commissioners court of Barbour county to establish or abolish districts in which stock may be prevented from running at large, approved December 12, 1882, be and the same is hereby amended as follows so that section three of said act shall be and read as follows, to-wit: Section 3rd, Be it further enacted. That said court of county commissioners must, if such petition Relating to stock law districts.

or application is filed thirty days before the term commence and such notices are posted and published as above provided, hear the petitioners, and any person who may be opposed thereto, and must make an order granting or dismissing such petition in whole or in part; such order must clearly describe the district therein established or abolished ; such order to go into effect in not less than five days after it is made, and at such time as the said court may determine and fix upon, but in no case shall a longer time be determined or fixed upon than forty days after such order is made ; if the said court shall not fix any time then such order shall go into effect forty days after it is made. If such order abolishes a district or a portion thereof heretofore or hereafter established, such order shall operate as a repeal of the order or law establishing such district or portion thereof abolished by such order, but such abolishing order shall in no case go into effect sooner than thirty days after it is made, and if no time is fixed by said commissioners court, for said abolishing order to go into effect, then such abolishing order shall go into effect forty days after it is made. If such order establishes a district in which stock are not allowed to run at large, the owner of such stock running at large in such district, or any district already established by law heretofore, shall be liable to the party injured for the damages done by said stock to any land or to any crops, fruit trees, shrubbery or other property in said district. The party injured shall have a lien superior to all liens on the stock doing such damage for all damages done by such stock.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed ; Provided, that only section 3 of said act approved December 12,1882, is amended or effected by this act.

Approved February 7, 1889.

No. 231.] AN ACT [s. 30

To amend section 5 of an act entitled an act to provide for a solicitor for Montgomery county, approved February 17, 1885.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 5 of an act entitled an act to provide for a county solicitor for Montgomery county approved February 17, 1885, be amended so as to read as follows : That it shall be the duty of such county solicitor to attend upon the circuit court of Montgomery county, and upon the city court of Montgomery, and in such courts to attend on all grand juries, advise them in relation to matters of law, examine and swear witnesses before that body, to draw all indictments in said circuit and city courts, and to prosecute all indictable and other offenses therein, and also to prosecute, either in person or by deputy, all criminal cases, which may originate in the county court of said county, or which may be brought to said court from a magistrate's court in said county, and to perform in said county all other duties that are now or may hereafter be required by law of circuit solicitors in their respective circuits.

Duties of county solictor.

Approved February 11, 1889.

No. 232.] AN ACT [s. 152

To amend an act to declare Mary S. Boswell and J. T. Boswell, liners between the counties of Pike and Bullock, citizens of Bullock county, and to change the line between said counties, approved February 22,1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Mrs. Mary S. Boswell, and J. T. Boswell, liners between the counties of Pike and Bullock, be and are hereby declared citizens of Bullock county, and that the line between said counties of Pike and Bullock be altered and so changed as to embrace and include in the county of Bullock, the following lands,

Line between Pike and Bullock.

to-wit: The northeast quarter of the northeast quarter section six, and the the northwest quarter of the northwest quarter of section five, all in township twelve (12) range twenty-one, and also the southwest quarter of section thirty-two, township thirteen, range twenty-one (21), be so amended as to include the following lands, to-wit: The southeast quarter of northwest quarter, and north half of northwest quarter, and northwest quarter of northeast quarter of section six, township twelve, range twenty-one, also the west half of south half of northeast quarter, section six, township twelve, range twenty-one.

Approved February 7th, 1889.

No. 233.] AN ACT [s. 192

To establish the city court of Decatur.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there is hereby established in and for the county of Morgan, an inferior court of law and equity, which shall be called the " City Court of Decatur," which court shall have and exercise all the ju-
City court jurisdication and powers of. risdiction and powers which now are or may hereafter and by law be conferred on the several circuit and chancery courts of this State. When exercising the jurisdiction and powers of courts of law, said city court shall conform to the rules of procedure and practice in the circuit courts of this State, and when exercising the powers and jurisdiction of courts of equity, it shall conform to the rules of procedure and practice in the chancery courts of this State, except where rules of procedure are changed by this act. Provided, that the presiding judge of said court shall have power to make and adopt such rules of practice as may be required by a proper system of city practice, and to amend the same as may be expedient. Such rules shall be entered of record upon the minutes of said court, and the same may be changed or annulled by the Supreme Court of the State.

SEC. 2. Be it further enacted. That a judge for said
Judge. city court of Decatur shall be appointed by the gover-

nor of the State, by and with the consent of the Senate, within fifteen days after the approval of this act, whose term of service shall continue until the general election in the year 1892. At the said general election in the year 1892, and every six: years thereafter, a judge of said city court of Decatur shall be elected by the qualified voters of the county of Morgan, whose term of service shall be six years from the date of his election. The judge so appointed by the governor and elected by the people as herein provided, shall take the oath of office required by law, to be taken by the judges of the circuit court. He shall have and exercise all the jurisdiction and powers which are or may be hereafter lawfully exercised by the judges of the circuit courts and the chancellors of the State, including authority to issue writs of injunctions, prohibition, ne exeat, and all other remedial writs.

Sec. 3. Be it further enacted, That the judge of said city court, during his continuance in office, shall reside in the county of Morgan, and at the time of his appointment or election, shall have been a citizen of this State and of the United States, for the period of five years next preceding said appointment or election, and shall be not less than twenty-five years of age, and learned in the law. Vacancies in the office of judge of said city court shall be filled by the governor, and the person so appointed shall continue in office during the unexpired term of his predecessor and until his successor shall be elected and qualified.

SEC. 4. Be it further enacted. That the clerk and register for said city court shall be appointed by the judge thereof, who shall hold office during the term of the judge appointing him, unless sooner removed; such clerk and register may be removed by such judge for cause specified in the order removing him, and also for such causes and in such manner as is or may be provided by law for removal of clerks of the circuit courts under section 3, article VII, of the constitution. Before entering upon the duties of his office, such clerk and register shall give bond and security, to be fixed. and approved by the judge of said court, in a sum not less than five thousand dollars, which must be payable, conditioned, filed and recorded as required by law for bonds of the clerks of the circuit courts; such clerk

Clerk and register.

and register shall have all the powers and perform all the duties which may be lawfully exercised or performed by clerks of the circuit courts and registers in chancery in this State, including the power of issuing attachments and other extraordinary process. His fees shall be the same as those allowed by law in like cases to said clerks and registers. He shall reside in Morgan county, during his continuance in office; such court shall adopt and keep a seal, which shall be in the custody of said clerk and register.

SEC. 5. Be it further enacted, That said court, shall be held, and the office of the clerk and register, and the records thereof, shall be kept at Decatur, in said county; said court shall hold two regular terms in each year, and may continue in session until the business thereof is disposed of; but jurors shall be drawn for only the first two weeks of each regular term. The first week of each regular term shall be devoted to trial of civil cases in which juries are demanded; and the second week to the trial of criminal cases. Special terms may also be held, when in the opinion of the judge of said court they shall be necessary for the proper transaction of business, of which terms twenty days' notice shall be given in some newspaper published in the city of Decatur, and juries for such special terms must be drawn and summoned in the same manner as is now provided by law for drawing and summoning juries for special terms of the circuit courts. The regular terms of said court shall be held on the first Monday in January and June of each year.

SEC. 6. Be it further enacted. That in all civil cases at law in said city court, the defendants therein shall be required by the summons therein served upon them to appear and plead or demur to the complaint within thirty days after such service of summons and complaint upon them ; whether the said service shall be executed in term time or vacation. In cases commenced otherwise than by sueing out and service of summons and complaint, defendants shall appear and demur or plead within thirty days after perfection of service of notice, or publication upon or to them, whether the same shall occur in term time or vacation, and in all cases after thirty days from such service of

Time in which defend'ts must plead or demur.

notice or perfection of publication, such cause shall be at issue, and triable when the same shall be reached on the regular call of the docket. Any defendant failing for more than thirty days after service of notice or perfection of publication in any cause to appear therein, and demur or plead, shall be held to be in default; and judgment by default may be rendered against him whenever such case shall be reached on the call of the docket ; Provided, that for good cause shown, the judge of said city court may allow demurrers, pleas or other defenses after such thirty days on such terms as he may think just.

SEC. 7. Be it further enacted, That all original and mesne process issuing from said court shall be executed instanta and returned immediately upon the execution thereof by the officer receiving the same.

SEC. 8. Be it further enacted, That all appeals in civil cases at law from inferior courts to said city court shall stand for trial when reached on the regular call of the docket at any time after thirty days notice of the suing out of such appeal shall have been given to the adverse party as required by law. Appeals to.

SEC. 9. Be it further enacted, That immediately after the passage and approval of this act, there shall be elected a solicitor for the county of Morgan by joint ballot of the general assembly, whose term of office shall continue until a successor is elected by the general assembly in the year 1892, in the same manner, and at the same time that solicitors for each of the judicial circuits are elected, and every six years thereafter a county solicitor for Morgan county shall be elected in like manner. The solicitor so elected shall hold office for the term of six years and until his successor shall have been elected and qualified ; and said solicitor for the county of Morgan shall be charged with the performance of the same duties in said city court and subject to the same liabilities and penalties in respect thereto as are by law imposed upon circuit solicitors in the circuit courts of this State, and it shall also be the duty of said solicitor to attend upon the county court of said county, and perform all the duties now devolving by law upon the deputy solicitor, and he shall be entitled to the same compensation and fees as is prescribed by section Solicitor.

4868 of the Code of Alabama ; Provided, he shall not receive for any one year's services more than one thousand dollars, and that the surplus of such fees over and above one thousand dollars shall be paid by the clerk and register of said court into the State treasury—such county solicitor shall be learned in the law and during his term of office shall reside in Morgan county, Alabama.

SEC. 10. Be it further enacted, That the grand and petit jurors for said city court shall be drawn, summoned and empanelled in the same manner as is now, or may hereafter be provided by law in respect to grand and petit jurors in the circuit courts of the State, except that the clerk and register of the said city court of Decatur shall be charged with and perform the same duties prescribed by law for the clerks of the circuit courts of this State, relative to drawing, summoning and empanelling of grand and petit jurors in said city court of Decatur, and venires for such jurors shall be issued in the same manner as in and for the circuit courts of this State ; and the city court shall have the same power as the circuit court to issue special venires and to call in tales jurors ; Provided, that the judge of said court shall have power to direct for what week of the term jurors shall be summoned.

Grand and petit jurors.

SEC. 11. Be it further enacted, That the jury commissioners of Morgan county shall, on the day after the adjournment of the regular term of the commissioners court in November, draw the jurors, grand and petit, for each term of said city court of Decatur, in the same manner and under the same regulations as is now prescribed by law for the drawing of jurors in the circuit court, and shall envelope and seal the same, with the endorsement on the outside of each package, to the clerk and register of said city court of Decatur. Provided, that said jury commission shall, on the day after the adjournment of the regular April term, 1889, meet and draw the jurors for the June term of said city court, seal and direct the same to the clerk and register of said city court. Provided further, that it shall be the duty of said judge of said city court of Decatur to notify the said jury commission in writing, as to the number of jurors needed and the weeks for which they must be drawn.

Duties of jury commissioners.

SEC. 12. Be it further enacted, That in all civil cases at law in said city court, the issues and questions of facts shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit, or by the defendant at the time of the filing of his plea or demurrer by indorsing such demand in writing on the summons and complaint, plea or demurrer, and when a jury is so demanded, the sum of ten dollars shall be taxed against the unsuccessful party, to be paid when collected into the county treasury for the use of the county. Provided, that when a cause is transferred to said city court, the demand for a jury shall be made at the time of the application for such transfer, and a failure to demand a jury as above directed shall be deemed and held a waiver of the right of trial by jury. Trials without jury.

SEC. 13. Be it further enacted, That in the trial of any cause at law without a jury in said city court, in addition to the questions which may be under existing laws presented to the supreme court for review, either party may by bill of exception also present for review the conclusion and judgments of the court on the evidence, and the supreme court shall review the same without any presumption in favor of the ruling of the court below on the evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings, as to the supreme court shall seem right. Questions for review on appeal.

SEC. 14. Be it further enacted, That the venue in any cause in said city court may be changed to other counties than Morgan, under the same rules and regulations as govern change of venue in the circuit court. Cases that now are or may be hereafter pending in the circuit or chancery courts of Morgan county, may be transferred by consent of parties to said city court, which shall thereupon proceed and dispose of the same as if they had been originally instituted in said city court, and in like manner cases at law may be transferred to the circuit court and cases in equity to the chancery court of Morgan county, from city court by consent of parties, and the register or clerk, or clerk and register of the court from which said cause shall be so transferred, shall deliver all the papers, plead- Change of venue.

ings and evidence pertaining to said causes together with a certified transcript of all minute entries made therein to the register or clerk, or clerk and register of the court to which said causes shall be transferred.

SEC. 15. Be it further enacted, That appeals may be taken to said city court of Decatur from inferior courts in the county of Morgan in all cases where appeals may by law be taken from such inferior courts to the circuit court of said county, and in the same manner.

SEC. 16. Be it further enacted, That the supreme court shall have appellate and supervisory jurisdiction over said city court, and cases at law may be removed from said city court to the supreme court in the same manner as from the circuit court, and equity causes in the same manner as from the chancery court ; and the appellate and supervisory jurisdiction of the supreme court over said city court or the judges thereof shall be exercised in the same manner as in like cases it is exercised over the circuit court or the judges thereof, or over the chancery court.

Supervisory jurisdiction of supreme court.

SEC. 17. Be it further enacted, That the salary of the judge of tlie city court shall be two thousand dollars per annum and the same shall be payable quarterly at the treasury of the county of Morgan, upon the order of said judge, and the same shall be a preferred claim against said county and receivable in payment of taxes due to the same.

Salary of judge.

SEC. 18. Be it further enacted, That there may be temporary adjournments of said city court during the term thereof such as may be deemed expedient and proper by the judge of said court.

Adjournments.

SEC. 19. Be it further enacted, That the sheriff, coroner and constable of the county of Morgan shall be required to attend said city court, preserve order and execute and return its processes and perform such other duties in all respects as in the circuit and chancery courts, and the fees of said officers for services rendered, and the compensation of jurors and witnesses in said city court shall be the same as are or may be allowed by law for like services in the circuit and chancery courts ; and such officers, jurors and witnesses shall be subject to the same liability and penalties as when acting under the authority of the circuit or chancery courts of the State. The judge of said court shall have authority to appoint a solicitor

Duties of sheriff, etc.

pro tempore in cases of the absence or disqualification of the proper and regular solicitor of the court.

SEC. 20. Be it further enacted, That after ten days after the rendition of any judgment or decree in said court, unless such judgment or decree direct otherwise, the clerk and register of said court whenever requested to do so in writing entered upon the docket and signed by the person entitled to execution, his attorney or agent, shall issue execution in term time returnable in four months to said court. Provided, that nothing herein contained shall prevent any person from making affidavit and having execution issued immediately as now provided by law. Provided further, that nothing herein contained shall prevent to superseding of execution after issuance of the same upon filing bond as now required by law. Executions.

SEC. 21. Be it further enacted, That all laws of a general nature now in force, or that may hereafter be enacted, giving jurisdiction to the circuit and chancery courts of this State, shall be held to extend and apply to the said city court, although said city court may not be mentioned therein, unless tlie contrary be expressly provided ; but the provisions of sections 8 and 9 of this act shall not be changed by any general law unless such law be made expressly applicable to said city court. Laws applying to this court.

SEC. 22. Be it further enacted, That it shall be the duty of clerk and register of said court to procure the necessary and suitable books of record and stationery and furniture for said court, and at the expense of said county of Morgan, to be paid by the treasurer upon the order of the judge of said court. Supplies.

SEC. 23. Be it further enacted, That the county of Morgan shall be put to no expense for the erection of a court house and jail for said city court, and that no liability incurred in procuring a suitable building in which to hold said court or for the safe keeping of prisoners shall be a charge against said county.

SEC. 24. Be it further enacted, That all laws and parts of laws in conflict herewith be, and the same are hereby repealed.

Approved February 8, 1889.

No. 234.] AN ACT [s. 140

To require all persons hereafter holding, and now holding claims as State's witnesses in any of the courts of DeKalb county, against the line and forfeiture fund, to have them registered, to require the treasurer of DeKalb county to keep a book in which such claims can be registered, and to require the treasurer to make a record of the settlement of such claims.

Claims of witnesses for the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, that all persons hereafter holding claims as State's witnesses in any of the courts of DeKalb county against the line and forfeiture fund, shall be required to have them registered by the county treasurer of said county within twelve months from the date the claims are issued, or else said claims shall be barred.

SEC. 2. Be it further enacted, That all persons now holding claims as State's witnesses in any of the courts of DeKalb county, against the tine and forfeiture fund, shall be required to have them registered by the county treasurer of said county within twelve months from the approval of this act, or else said claims shall be barred.

SEC. 3. Be it further enacted, That the treasurer of DeKalb county shall be required to keep a well bound book for the purpose of registering all claims as State's witnesses in any of the courts of said county, against the fine and forfeiture fund.

SEC. 4. Be it further enacted, That when any claims of said witnesses against the fine and forfeiture fund are paid or otherwise settled by the county treasurer, it shall be his duty to record in said book the fact of payment, and how and when, and to whom the claims are paid.

Approved February 11, 1889.

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No. 235.] AN ACT [H. B. 22

To expedite the trial of capital cases in Jefferson county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That when any capital case or cases are set for

trial in any of the courts in Jefferson county it shall be the duty of the presiding judge to draw from the jury box as provided by law, at least one entire day before the day on which said capital case or cases are set, not less than fifteen nor more tha» twenty-five names at the discretion of said judge. Duty of presiding judge.

SEC. 2. Be it further enacted, That said names may be drawn either in the week when said capital case or cases are set for trial or in any week of the term previous to said week.

SEC. 3. Be it further enacted, That the sheriff shall summon the persons whose names are so drawn, to appear in the first day of any week upon which any capital case or cases are set and out of the number of those attending, the court shall proceed to organize a third jury of twelve men, which together with the regular juries shall be a venire for the trial of all capital cases set for trial during the week. Duty of sheriff.

SEC. 4. Be it further enacted, That if after organizing the third jury out of the persons so drawn and attending, any be over, they shall he held unless the court in its discretion see fit to excuse them, and if a sufficient number of those so drawn is not in attendance or from any cause the number is reduced below twelve, then the deficiency shall be supplied as is now provided by law in the case of regular jurors.

SEC. 5. Be it further enacted, That if no capital case set for trial on the day said jury is organized is ready for trial, then said jury, if no other capital case or cases are set for trial during the week, shall be discharged, and if there be other capital cases set for trial on any other day of said week, said jury may be excused until said day.

SEC. 6. Be it further enacted, That when the defendant in any capital case is confined in jail, the sheriff shall serve upon him a copy of the indictment together with a list of the names so drawn, and when said names are drawn previous to the week when said case or cases are set for trial a list of the regular jurors, as drawn by the commissioners, but when drawn the same week, a list of the regular jurors as organized for the week.

SEC. 7. Be it further enacted, That the presence in court of the defendant shall not be necessary, either at the drawing or organizing of said trial jury to complete the venire as herein before provided.

SEC. 8. Be it further enacted, That upon the trial of any capital case the defendant shall be entitled to ten peremptory challenges and the State five and when two or more defendants are tried jointly each defendant shall be entitled to five peremptory challenges.

Challenges.

SEC. 9. Be it further enacted, That all laws or parts of laws, general or special, in conflict with the provisions of this act are hereby repealed, and all laws general and special not in conflict with its provisions are hereby continued in full force and effect.

Approved February 11, 1889.

No. 236.] AN ACT [H. B. 137

To establish a separate school district to be known as Union district in Limestone county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a separate school district to be known as Union district, in section two, township three, range six, west, in Limestone county, the boundaries of which shall be as follows : Beginning at the southwest corner of section two, township three, range six, west, running east four miles, thence north to Big creek, west to Elk river, southwest to the west line of section thirty-five, thence south to the beginning.

School district.

SEC. 2. Be it further enacted, That the Union district shall receive its proportionate share of the public school revenue, including a pro rata share of the sixteenth section fund of said township, and shall also receive all the tax collected as poll tax within the limits of the territory as set forth in the first section of this act, and the superintendent of education of Limestone county shall set apart from the school revenue of the county, and disburse and use such pro rata exclusively for the maintenance of the public schools in said Union district.

Revenue.

SEC. 3. Be it further enacted, That the county superintendent of Limestone county shall appoint one superintendent for said district who shall be governed by the school law regulating the duties of superintendent of the township in said county of Limestone.

Approved February 9, 1889.

No. 237.] AN ACT [H. B. 155

For the relief of T. P. Chapman, late sheriff of Pickens county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of one hundred and sixty-six 75-100 dollars be, and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, to pay T. P. Chapman, late sheriff of Pickens county, for actual expenses incurred in recapturing two escaped convicts and returning them to the proper custody. Special appropriation.

Approved February 14, 1889.

No. 238.] AN ACT [H. B. 161

To permit and provide for the incorporation of separate school districts in the county of Tuscaloosa.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of any township, settlement or neighborhood in the county of Tuscaloosa, may become a body corporate, as a school district, for the purpose of establishing and maintaining public schools, in the manner and with the powers hereinafter expressed, upon a petition in writing, addressed to the judge of probate of the county in which they reside, signed by fifteen or more of the adult male householders, or free holders, stating the name and the boundaries by which it is proposed to incorporate such district. Sep'rate school districts.

SEC. 2. Be it further enacted, That upon presentation of such petition such judge must direct an election to be held within thirty days thereafter at a place in such township, settlement or neighborhood by him designated, under the direction of three inspectors appointed by him. Duties of judge of probate.

SEC. 3. Be it further enacted, That all male inhabitants over twenty-one years of age, who have resided within such boundaries for three months next preceding the election, can vote if not otherwise disqualified. Voters.

SEC. 4. Be it further enacted, That the polls must

not be opened before ten o'clock in the morning; and the
Duties of in- inspectors, before receiving any ballots, must take an oath
spectors. to conduct the election fairly. The voters must write upon their ballots, "school district" or "non school district," and the inspectors must receive and deposit the same in the ballot box.

SEC. 5. Be it further enacted, That the inspectors must, within five days thereafter, certify the result to the judge of probate ; and if a majority of the votes cast at
Duties of pro- the election are for "school district," he must, within
bate judge. three days, make an entry of record, that the inhabitants of such township, settlement or neighborhood, are incorporated as a school district by the name and with the boundaries designated in the petition, whereupon the inhabitants of such township, settlement or neighborhood, are incorporated and invested with the rights incident to such corporation.

SEC. 6. Be it further enacted, That the business of
Trustees. the school district be managed by three trustees, who are styled the board of school trustees of the district, and hold office for two years, and until their successors are elected and qualified.

SEC. 7. Be it further enacted, That no person can hold the office of school trustee, who has not resided in the district for three months preceding the election. Vacancies may be filled by appointment by the county superintendent of education.

SEC. 8. Be it further enacted, That the judge of probate must notify the superintendent of education, within
How trustees three days after the return of the inspectors, of the entry
to be elected. of record of such incorporation, and the said superintendent must, within five days of such notice, appoint three inspectors, a place of voting in such district, and a day not more than ten days from such notification, for the election of trustees. Notice of the day and place of election must be, by the superintendent, posted at three public places in the district, at least five days before the election.

SEC. 9. Be it further enacted, That the qualification of the electors and the oath of inspectors must be as in the election for incorporation. If no choice is made, by reason of two or more persons receiving the same number of votes, the inspectors must decide between such persons by lot.

SEC. 10. Be it further enacted, That all subsequent elections after the first, and the inspectors and voting places are appointed by the trustees of the district, and the qualification of voters must be the same as at the first election. All ties must be determined by lot. Duties of trustees.

SEC. 11. Be it further enacted, That should the election not take place on the day appointed, the corporation is not for that cause dissolved, but the trustees must appoint some other day as early as practicable, for holding the election.

SEC. 12. Be it further enacted, That two members of the board shall constitute a quorum, but one of them shall have power to adjourn a meeting in case of the absence of the other members. Quorum.

SEC. 13. Be it further enacted, That such separate school district shall receive the proportionate share of the public school fund coming to the county in which it is situated, including the pro rata share of the sixteenth section fund of each township that may lie wholly or partly within such district; said funds to be drawn and applied by the board of school trustees, for the exclusive benefit of the schools of their district; and such school district is authorized to increase its school fund by receiving donations; and such board of school trustees are hereby also autliorized to further increase the school fund by levying a tax, not to exceed one-half of one per cent on the taxable property, real and personal, of such district, which shall he collected as the general taxes for the State and county are collected, but the proceeds of said tax shall be applied exclusively to the benefit of the schools of the district within which it shall have been levied, and the proceeds thereof shall be paid over to the board of school trustees of such district directly, and no officer through whose hands the proceeds of such tax shall pass, shall be entitled to any compensation, charge, fee or commission for the collecting or disbursement of such money. School fund. Special tax.

SEC. 14. Be it further enacted, That each member of the board of school trustees shall, upon entering upon the duties of his office, subscribe an oath to faithfully discharge all the duties enjoined upon him as such officer. The trustees shall serve without compensation, and shall not be entitled to any charge, commission or fee on any moneys from whatever source, which may come into Oath of trustees.

their hands, for the use of or benefit of the schools of their district.

School houses.

SEC. 15. Be it further enacted, That the said board of school trustees shall have power to build at convenient and easily accessible places in their district, suitable houses for the schools of said district, and to take possession for the benefit of the schools of the district, of such houses as may be in existence therein at the time of its organization, keep them in good repair, and furnish the same with suitable furniture and apparatus. They shall further have power, with the advice and consent of the county superintendent of education, to elect all teachers, fix their compensation, and prescribe their duties, dictate the course of instructions, the number and character of the text books, the organization of classes, and the method of teaching, control the distribution of the teachers and pupils among the several schools in their district, and prescribe rules and regulations for the government of said school.

County sup't.

SEC. 16. Be it further enacted, That the county superintendent of education shall perform the same duties, exercise the same supervision, and report on the condition of the schools in the district created under this act, in the same manner as now prescribed by law in regard to the public schools of his county, in so far as the exercise of such functions is not inconsistent with the provisions of this act.

Children admitted.

SEC. 17. Be it further enacted, That the children and wards of all actual residents within the limits of such school district, from seven to nineteen years of age, shall be entitled to seats in the public schools of such district ; Provided, such children shall themselves be bona fide residents of such district, and non-resident children may be admitted into such school on such terms and conditions as the board of school trustees may prescribe, but separate schools shall be provided for colored children.

Charges.

SEC. 18. Be it further enacted, That the board of school trustees shall have power to charge in said schools such incidental or other fees as they may deem necessary for the proper conduct of such schools.

Changes of districts.

SEC. 19. Be it further enacted, That the adult male inhabitants may, by petition in writing to the judge of probate, propose an alteration or change of the name, or of the boundaries of the school district, stating the alter-

ation or change proposed, and on the filing of such petition the judge of probate must order an election, to be held and conducted in all respects as the election for the original incorporation ; and if at such election a majority vote for the proposed alteration or change, the fact must be certified to such judge by the inspectors, and on the filing of such certificate he must make and enter an order allowing such alteration or changes.

SEC. 20. Be it further enacted, That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved February 13, 1889.

No. 239.] AN ACT [H. B. 171

To regulate the State witnesses fees in Hale county, Alabama, and to provide for the payment of the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act witnesses for the State in the circuit and county courts of Hale county, including witnesses before the grand jury, shall receive seventy-five cents a day for attendance and two and a half cents a mile from and to their residences by the usual route traveled and all necessary ferriage and tolls, but if a witness attend in more than one case on the same day he shall be entitled to compensation in one case only. State's witnesses' fees.

SEC. 2. Be it further enacted, That after the trial or continuance of the case or discharge of the witness by the court or grand jury, the clerk of the court or foreman of the grand jury, upon application and oath of the witness, shall issue to him a certificate, setting forth that he was a witness for the State, and the compensation to which he was entitled ; at the discharge of the grand jury, the foreman must furnish to the clerk of the circuit and county courts a certified list of all the certificates issued by him and the amount due each witness, and the case in which he was examined. Certificate ; how issued.

SEC. 3. Be it further enacted, That whenever the

costs in a criminal case in said courts are imposed on the defendant or prosecutor, or the foreman of the grand jury, the fees for witnesses for the State as now prescribed by law shall be taxed as costs, and when collected shall be paid to the county treasurer, and said fees shall constitute a part of the fund provided for by this act, for the payment of State witness certificates issued under this act.

Fees taxed as costs.

SEC. 4. Be it further enacted, That the county commissioners of said county shall appropriate the sum of five hundred dollars out of the general fund to be paid to the county treasurer, and to be used by him in paying off the witness certificates issued under this act.

Appropriation from county.

SEC. 5. Be it further enacted, That the commissioners court of said county are hereby authorized to compromise the outstanding witness fees at a rate not greater than the fees allowed by this act. All sums paid in compromise of said fees shall be a charge upon the fine and forfeiture fund of said county, and payable only out of the fines and forfeitures ; the fees collected and paid to the county treasurer under this act must be held by him for the payment of witness certificates issued under this act, and whenever he has on his hands a sum in excess of five hundred dollars and there remains no certificates issued under this act, unpaid, such excess must be paid on the officers, fees, that are a proper charge upon the fine and forfeiture fund.

Outstanding witness'fees.

SEC. 6. Be it further enacted, That the witness certificates now outstanding shall be paid only from fines and forfeitures, or by the county in case of a compromise.

Approved February 11,1889.

No. 240.] AN ACT [H. B. 179

To give the court of county commissioners of Cleburne and Clarke counties exclusive control of the public printing in said counties, and to authorize said courts to make all contracts in relation thereto.

SECTION. 1. Be it enacted by the General Assembly of Ala-

bama, That the court of county commissioners of Cleburne and Clarke counties shall have exclusive control of all the public printing in said counties, and the sole right and authority to make all contracts in relation thereto ; Provided, it shall be the duty of the county commissioners to accept the lowest bid made by competent and responsible parties. Printing for Cleburne and Clarke counties.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 11, 1889.

No. 241.] AN ACT [H. B. 184

To require the commissioners of roads and revenue of Greene county to give bond.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners of roads and revenue of Greene county be and the same are hereby required to execute bonds in the sum of five hundred dollars for the faithful performance of all official duties under the same conditions as other county officers. Bonds required.

SEC. 2. Be it further enacted, That this act shall not take effect until after the next general election.

Approved February 11, 1889.

No. 242.] AN ACT [H. B. 196

To provide for furnishing tools to work the public roads in Marshall county, by the court of county commissioners of said county and to provide for the safe keeping of said tools.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Marshall county may appropriate so much of the bridge fund of Marshall county, as they may deem necessary, for the purchase of tools to be used on the public roads in said county, and may designate such Tools for public roads.

person or persons who shall take charge of said tools upon such restrictions as they may deem best for the safe keeping of said tools.

SEC. 2. Be it further enacted, That any person having charge of said tools, who shall use or permit the same to be used, or any person knowing the same to be tools belonging to the county, who shall use the same for any other purpose than for working upon the public roads, shall be guilty of a misdemeanor, and upon conviction by a court of competent jurisdiction, shall be fined not less than ten nor more than twenty-five dollars for each offense.

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed, so far as the same relates to Marshall county.

Approved February 11, 1889.

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No. 243.] AN ACT [H. B. 290

For the preservation of game animals, birds and fish in Macon county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful at any place in the county of Macon, to catch, kill, or injure, or pursue with such intent, any wild buck, doe or fawn between the first day of February and the first day of October, and it shall be unlawful to catch, kill, injure, or pursue with such intent any wild turkey between the first day of May and the first day of October, or to remove or destroy eggs from the nests of the same, at any time; and it shall also be unlawful to catch, kill, injure or pursue with such intent any turtle dove, sometimes called mourning doves, between the first day of April and the fifteenth day of July; and it shall be unlawful to catch, kill, injure or pursue with such intent, any quail, sometimes called a partridge, between the fifteenth day of March and the first day of October, or to break up or destroy the nests of the same, by removing the eggs therefrom.

Protection of game.

SEC. 2. Be it further enacted, That it shall be un-

lawful for any one to construct dama across any water course in said county so as entirely to prevent the flow of water and the passage of fish in said stream or by muddying or poisoning, destroy the fish in the lakes or ponds adjacent to said streams. Fish.

SEC. 3. Be it further enacted, That any violations of the provisions of this act, shall be punished, complaint thereof being made to the judge of the county court, justices of the peace or notary public with power of justices of the peace, by fine, not less than three nor more than twenty dollars, defendant being convicted of said violations by competent proof; And it is further provided, that in cases of conviction under this act, by either of the officers named above, it shall be lawful to sentence the person or persons so convicted, upon the non-payment of the fine and coats, to hard labor for the county, for a sufficient time to pay the same, at the rate of not less than thirty, nor more than forty cents per day. Penalty.

Approved February 11, 1889.

No. 244.] AN ACT [H. B. 325

To prevent persons from hunting with dog or gun upon the land of another in the county of Lowndes, in beats number one, number five and number eight in Macon county, and in Calhoun county, without first obtaining permission and consent from the owner or agent of said land.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person to hunt with gun or dog upon the land of another in Lowndes county or in beats numbers one, number five and number eight in Macon county, or in Calhoun county, without first obtaining the consent of the owner of said land or his lawful agent. Trespass.

SEC. 2. Be it further enacted, That all violating the provisions, of this act, shall be deemed guilty of a misdemeanor and shall be, on conviction, fined not less than one or more than ten dollars, and may be Penalty.

sentenced to hard labor for the county, for not more than ten days; Provided, that no prosecution shall be had under this act, except by the owner of such land or his lawful agent.

Approved February 11, 1889.

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No. 245.] AN ACT [H. B. 341

To incorporate the town of Millport, in Lamar county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the town of Millport, on the Georgia Pacific Railroad, in Lamar county, Alabama, be and the same is hereby incorporated and the corporate limits of said town shall embrace an area of land, as follows : North of the Georgia Pacific Railroad depot or station house, as now located in said town, one-fourth of a mile, south of said depot, one-half a mile, east of said depot, one half a mile, and west of said depot three-fourths of a mile.

Millport. Boundaries.

SEC. 2. Be it further enacted, That an election shall be held in said town of Millport, on the first Tuesday in March, 1889, and annually thereafter, for the purpose of electing a mayor and five councilmen, who shall have been resident citizens of said town six months next preceding the election. Said mayor and councilmen shall serve for the term of twelve months and until their successors in office are elected and qualified. Said election to be held the first Tuesday in March, 1889, shall be held by some acting justice of the peace of said county, and two freeholders of said town, and all subsequent elections to be held by such persons and in such manner as the mayor and councilmen may prescribe, and all persons living in said corporation who are qualified voters for members of the general assembly of this State, shall be entitled to vote in said municipal election.

Mayor and councilmen ; how elected.

SEC. 3. Be it further enacted, That from any cause should said town fail to hold an election on the days specified by this act, that they are hereby authorized to hold an election at any time thereafter ; Provided,

that a notice of such election shall be published in a newspaper published in said town, or by posting notices in three or more public places in said town, ten days prior to the day set for such election.

SEC. 4. Be it further enacted, That the mayor and councilmen, together with the town marshal, treasurer and clerk, each of which office the mayor and councilmen shall elect, shall severally, before they enter upon the discharge of their duties, take the oath as prescribed by the constitution of the State as well as the following : "I do solemnly swear that I will perform the duties required of me, (as mayor, councilmen, treasurer, clerk or marshal as the case may be,) to the best of my ability and judgment, so help me God." A certificate of which oath shall be filed with the records of the board. It shall be the duty of the mayor to preside at all meetings of the councilmen and preserve order, and decorum, and in his absence any councilman may be called to the chair, and the mayor and councilmen are hereby declared a body politic and corporate, by the name and style of mayor and councilmen of Millport, by which name they and their successors in office shall be capable in law of sueing and being sued, of pleading and being impleaded, in all manner of suits, either in law or in equity, and shall have power to keep a common seal, and the same to alter and amend at pleasure, in general to do and perform all acts which are incident to bodies corporate, and to purchase, hold and dispose of for benefit of said town real, personal and mixed property to the value of twenty thousand dollars.

Officers to take oath.

Meetings of mayor and council.

SEC. 5. Be it further enacted, That the mayor and councilmen or a majority of them, are hereby invested with full power to keep open and in good repair the streets of said town, and for that purpose may levy a tax of not exceeding three dollars on all persons within the corporate limits, who are liable to work on public roads of the State, and in default of payment of said taxes may require such persons to work on the streets of said town as required by the laws of the state ; to prevent or remove nuisances ; to establish night and day police, and a town jail or guard house; to erect lamps, to regulate the paving and flagging of drains and sidewalks ; to prevent by adequate penal-

Powers.

ties the injury or destruction of shade or ornamental trees in said town ; to license, tax and restrain at pleasure, theatrical amusements, shows and menageries of all kinds whatsoever, within the corporation ; and may also assess and collect a tax of not more than five hundred dollars on the sale by retail of spirituous liquors on each retail liquor dealer within said corporation ;

Provided, such liquors are ever allowed to be sold anywhere within the corporate limits of said town by and under any law of the State ; to preserve the peace and good order of said town ; to enact and publish any regulations, by-laws and ordinances, necessary for the good and orderly government of said town, not inconsistent with the constitution and laws of this State;

and to enforce the observance of said regulations, by-laws and ordinances, by a fine not exceeding one hundred dollars for each violation thereof and imprisonment not exceeding ten days in the town prison.

SEC. 6. Be it further enacted, That the mayor and councilmen shall have the power to levy and collect

Taxation. a tax on the inhabitants of said corporation on all articles and subjects of State taxation; to raise money for properly governing and managing the affairs of the corporation, and enforcing its laws and ordinances, and powers granted by the provisions of this charter ;

and they, as soon as convenient after their election, elect by joint ballot a clerk, treasurer and marshal for

Officers. said town, and it shall be the duty of said clerk to issue all executions for fines and taxes, which may be necessary, signing the same and delivering the same to the marshal, whose duty it shall be to collect and pay over the same to the treasurer, which last named officer shall give bond and security to the mayor and councilmen before he enters upon the discharge of the duties of his office, and the mayor and councilmen shall have power to remove from office the clerk, treasurer and marshal, and elect others ; and may fix the salaries and fees to be received by these officers, and if deemed advisable may require bonds of the clerk and marshal, for the faithful performance of their duties ; Provided, that the tax levied and collected by said corporation on the property of citizens thereof shall not be more than ane half of one per centum of the value of said property as assessed for State taxation during the preceding year.

SEC. 7. Be it further enacted, That the citizens of said town shall be exempt from working on the public roads.

SEC. 8. Be it further enacted, That the mayor and councilmen shall have power to open new streets within the corporate limits of said town, or change, alter or close such streets as now or hereafter may be opened within the limits of said town ; Provided, that when new streets are opened on private property the owner shall receive full compensation for the property so occupied, to be assessed by a jury of five disinterested free holders elected for that purpose by the mayor of said town. Streets.

SEC. 9. Be it further enacted, That the mayor of said town is a conservator of the peace within the corporate limits thereof, and it is his right and duty to suppress all affrays, riots, unlawful assemblies and insurrections, and loud, indecent, profane, boisterous or disorderly conduct, in any public place therein, to do which he may summon to his aid as many male persons as he thinks proper. He has full power to punish for contempt in the same, and under the same rules and regulations prescribed by the Code of Alabama, in reference to the punishment of contempt by justices of the peace ; he has full power to try all offenders against all the by-laws and ordinances of the said corporation with regard to the amount of fines, punishment or forfeiture, and to punish the offenders, both by fine and imprisonment in the manner prescribed by said by-laws and ordinances, and the marshal of said corporation has full authority to execute all the lawful ordinances, resolution, by-laws and orders of said corporate authorities within their jurisdiction, and must without warrant arrest all offenders breaking the peace or violating any ordinance of the town in his presence, and bring them before the intendant, and for any other breach of the peace or violation of the ordinances he shall arrest the offenders upon due legal process, and in order to the execution of his powers and duties, he may summon to his aid as many male persons as may be necessary. Duties of mayor.

Approved February 13, 1889.

No. 246.] AN ACT [H. B. 345

To amend an act approved February 1, 1872, entitled an act to incorporate the Female Institute of the Tennessee annual conference of the Methodist Episcopal church at Athens, Alabama.

SECTION 1. Be it enacted by the General assembly of Alabama, That section one of an act entitled an act to incorporate the Female Institute of the Tennessee annual conference of the Methodist Episcopal church at Athens, Alabama, approved February 1, 1872, be amended so as to read as follows :

Section 1. That Alexander L. O. Greene, Thos. Madden, Ambrose F. Driskill, Joshua Butcher, Frederick G. Ferguson, Daniel Coleman, Ira E. Hobbs, Benjamin W. Maclin, Thos. Bass, James F. Lovell, Thos. S. Malone, James C. Malone, William Richardson, George S. Houston, Richard W. Vassar, Jonathan McDonald, and James Craig, and their associates and successors in office, are hereby constituted a body corporate and politic in deed and in law by the name and style of the trustees of the Athens Female College, and by that name shall have power and authority to have and to use a common seal, and the same to break, alter and renew at pleasure, to sue and be sued, to plead and be impleaded, answer and be answered unto, in all kinds of actions; to receive and make purchases,of property, which shall inure to them and their successors in office, and to hold real and personal estate not exceeding in value one hundred thousand dollars over and above its library and apparatus, and to pass all such by-laws, rules and regulations as the said corporation may deem expedient, the same not being repugnant to the constitution of the United States or of this State.

Amending act of incorporation.

Approved February 11, 1889.

No. 247.] AN ACT [H. B. 370

Fixing and prescribing the compensation to be paid the county treasurer of Jefferson county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county treasurer of Jefferson county shall receive such compensation as may be allowed by the court of county commissioners, in no case exceeding five per cent. on the money paid out by him, nor in any case exceeding the aggregate sum of two thousand five hundred dollars in any one year. Compensation of county treasurer.

Approved February 11, 1889.

No. 248.] AN ACT [H. B. 387

To incorporate the Gadsden Female Institute in the city of Gadsden.

SECTION 1. Be it enacted by the General Assembly of Alabama, That John N. Dubose, principal, and other professors and instructors constituting the faculty of in the Gadsden Female Institute, located in the city of Gadsden, Alabama, be and their successors be and hereby are authorized and empowered to instruct their pupils in all the arts and sciences, and to grant diplomas and confer degrees of literary distinction usual in similar institutions of learning in the United States. Incorporation of institute.

Approved February 11, 1889.

No. 249.] AN ACT [H. B. 460

For the relief of A. J. Tarrant, late tax assessor of Jefferson county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That A. J. Tarrant, late tax assessor of Jefferson county, Alabama, be and he is hereby allowed commissions on the taxes assessed by him, State and Tax assessor of Jefferson co.

county, for the year 1888, according to the rates prescribed by statutes of force just prior to the time of the approval of this act, entitled an act to provide for the assessment and collection of taxes for the use of the State and the counties thereof, and to define the duties of officers engaged about the said assessment and collection of taxes, which act was approved February 17, 1885, which statute so of force is referred to as not repealed by said act in section 143 of said act, and which statute was of force during the term of office of the said Tarrant, as such tax assessor up to the time when the Code of 1886 went into effect; and in making settlements the tax collector of said county be allowed credit by the auditor and by the county treasurer for commissions paid by him to the said Tarrant according to the rates hereinabove described.

Approved February 11, 1889.

No. 250.] AN ACT [H. B. 499

To fix the time and place of holding the chancery court for Monroe county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the chancery court for Monroe county shall be held at Monroeville, in said county, at such times as are now or may be hereafter prescribed by law.

Approved February 11, 1889.

No. 251.] AN ACT [H. B. 563

To confer certain rights and privileges in the State of Alabama, upon the Savannah, Americus & Montgomery Railway, a corporation chartered under and by virtue of the laws of the State of Georgia.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Savannah, Americus & Montgomery Railway, a corporation chartered under and by vir-

tue of the laws of the State of Georgia, is hereby declared to be and is created a body politic and corporate in the State of Alabama, under the name and style of "The Savannah, Americus & Montgomery Railway." Corporation.

SEC. 2. Be it further enacted, That said corporation, under the name and style aforesaid, is hereby authorized and empowered to locate, construct and operate for the carriage of freight and passengers for hire, by steam or other motive power, a line of railroad, with one or more tracks, of such guage as it may desire, from the boundary line between Georgia and Alabama, on the Chattahoochee river, at such point on said river in Barbour or Russell county in this State, as it may choose to cross it, iato the city of Montgomery, in this State, by such route as said company may deem most feasible, and said company is hereby authorized and empowered to acquire by gift or purchase, or to take and condemn, upon the terms and conditions now established by the general laws for the same in this State, all necessary lands and rights of way for its uses as a railway company for main and side tracks, turnouts, depot grounds, section houses and car shops; Provided, the right of way for the main line shall not exceed one hundred feet in width. Route and right of way.

SEC. 3. Be it further enacted, That said corporation shall have the right to hold, use and enjoy, and to sell or exchange, all such real estate as may be conveyed to it, in payment of subscriptions to its capital stock, or which may be donated to it for any purpose, and it may lease, sell or mortgage any or all of its property or franchises, to secure any indebtedness, or to raise money to construct, equip, keep in repair or operate its said line of railway, or for any other purpose it may deem meet and proper. Right to secure indebtedness.

SEC. 4. Be it further enacted, That said corporation shall have the right and power to consolidate and amalgamate itself with any other railroad or transportation company, by a vote of a majority in value of its stockholders, expressed in writing and recorded on the minute book of the company, upon such terms as may be fixed by the directors of said company, and such like majority of stockholders, by a like expression of their consent, and a like recording of the same, Consolidation with other company.

may sell or lease or authorize the directors to sell or lease, upon such terms as they may fix, any or all of the property, rights or franchises of said company; Provided, however, that before any such amalgamation, sale or lease can be made by the majority of stockholders, they, the majority of stockholders, shall take or offer to take the stock of those who do not agree to such terms of amalgamation, sale or lease, and shall pay them therefor the highest market value for said stock, during the period of six months next preceding the date of such amalgamation, sale or lease.

SEC. 5. Be it further enacted, That said corporation shall keep an office in the State of Alabama, and shall have all rights, remedies, powers and privileges, and be subject to all the duties, obligations and laws of the State of Alabama, in all respects as other domestic corporations.

Office in Ala.

SEC. 6. Be it further enacted, That said corporation shall have a right to cross any other railroad it may intersect.

Approved December 11,1889.

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No. 252.] AN ACT [H. B. 685

To amend sections four and eight of an act entitled " An act to establish a new charter for the city of Huntsville," approved December 12, 1888.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section four and eight of an act entitled "an act to establish a new charter for the city of Huntsville," approved December 12, 1888, be and the same is hereby amended so as to read as follows :

Section 4. Be it further enacted, That the government of said city shall consist of a mayor and eight aldermen, who shall be elected as is hereinafter prescribed. The mayor shall be elected on Tuesday after the first Monday in April, 1889, and every two years thereafter, on the Tuesday after the first Monday in April, by ballot, by the male inhabitants of said city, who shall have resided therein for three months next

Election of mayor and aldermen.

preceding; such election and who shall have been duly registered as is hereinafter prescribed. For each ward of said city there shall be elected by the electors residing therein, having qualifications as electors hereinafter prescribed, two aldermen who shall be residents of said ward. The aldermen in the first and fourth wards shall be elected on Tuesday after the first Monday in April, 1889, and shall serve for four years from their election or until their successors are elected and qualified. The aldermen in the second and third wards shall be elected on Tuesday after the first Monday in April, 1891, and shall serve for four years from their election, or until their successors are elected and qualified ; and every two years thereafter there shall be elected four aldermen who shall serve for four years or until their successors are elected and qualified, so that one-half of said aldermen shall come in as the others go out. The aldermen shall be elected by ballot, by the male inhabitants of said city who shall have resided therein for three (3) months and in the ward thirty (30) days next preceding such election and who shall have been duly registered as hereinafter prescribed. It shall be the duty of the sheriff of Madison county to hold and conduct such elections in the same manner as elections for members of the general assembly are held and conducted. Said sheriff shall give ten days notice of said election, by publication in some newspaper published in the city of Huntsville, giving notice of the appointed place or places of voting.

The mayor and board of aldermen must designate the place or places within the several wards of the city where the elections for mayor and aldermen are to be held. And it shall be the duty of said mayor and board of aldermen to open at least one poll in each ward for said election, and two polls may be opened in any ward if deemed necessary by the mayor and aldermen. But if said mayor and aldermen shall fail to appoint such place or places of voting in each ward, then said election must be held at such place or places within each of said wards as such sheriff may appoint. The said mayor and aldermen shall appoint three inspectors and a returning officer for each voting place in each ward ; all of whom shall be residents of the

respective wards for which they are appointed, and who shall severally take and subscribe an oath faithfully and honestly to perform their respective duties, fairly to hold and conduct such election, and fairly and truthfully to make and certify the returns of the results thereof. The said inspectors shall certify the results and poll list of said election to the sheriff of said county, and sealed up in a box shall deliver the same to the returning officer to be by him delivered to the sheriff of said county. Within one day after receiving the returns of said election it shall be the duty of the sheriff to open the same in the presence of the judge of probate of the county and the clerk of the circuit court, or one of them, and in the presence of any qualified elector who desires to be present, and declare the results of said election, and shall give to the persons ascertained to be elected a certificate of election. The persons so elected shall, before entering upon the discharge of the duties of their respective offices, take an oath before the judge of probate of the county, or any other officer authorized to administer an oath, to discharge without favor or partiality the duties of mayor or aldermen of the city of Huntsville. A copy of said oath must be preserved in the probate office of Madison county, Alabama. If any two or more persons shall have an equal number of votes, the said sheriff shall give the casting vote, and thereby determine the election within one day after the holding of such election. The said inspectors and said returning officer must make to said sheriff the returns herein provided for. If from any cause the said election shall not be held on Tuesday after the first Monday in April, the said sheriff shall as soon as practicable appoint another day for holding such election not more than thirty days after such regular day, of which he shall give like notice, and on the day so appointed shall open and hold such election in the manner that he holds an election for members of the General Assembly of the State of Alabama, and if from neglect or failure of the sheriff or from any other cause an election for mayor and aldermen or either of them shall not be held on the regular day therefor, nor within thirty days thereafter, as above provided, then the mayor of the city shall appoint a day for holding such

Oath of officers.

Duties of sheriff.

Duties of mayor.

election not more than sixty days after such regluar day, of which he shall give the same notice, and on the day so appointed shall hold such election in the same manner as is above provided; and for the purpose of holding and completing such election, the mayor shall be invested with all the powers and be subject to all the duties of the sheriff as above set forth. The said mayor shall serve for a term of two years from and after the day of election, and may continue in office until his successor is elected and qualified. The mayor and aldermen elected under the provisions of this act shall not hold their respective offices for more than two terms in succession by virtue of an election. Thirty days before the Tuesday before the first Monday in April, 1889, it shall be the duty of the mayor and aldermen to appoint one person for each ward or place of registration to act as registrar of votes, who shall discharge the duties and be governed by the rules and regulations as hereinafter set forth in this act. After said election on the Tuesday after the first Monday in April, 1889, the appointment of registrars at all future elections shall be made as provided in section 10 of this act.

Limited to two terms.

Registrars.

SEC. 8. Be it further enacted, That if the mayor or any alderman during his term of office and after qualifying, shall die, resign, remove from the corporation, or from the ward in which he was elected, refuse to act, or be personally disabled from acting, the remaining members of the board of aldermen shall by ballot elect in his stead another mayor or alderman, who shall have the qualifications prescribed in this act, and shall continue in office during the remainder of the time and until his successor is elected and qualified ; and if any person elected mayor or alderman by the qualified voters of the city at any election held under this act shall refuse to qualify, the said sheriff shall, after giving ten days notice by publication in one of the newspapers published in Huntsville, hold an election to supply the vacancy, which election shall be conducted in the same manner as the regular election of mayor and aldermen.

Vacancies.

Approved February 11, 1889.

No. 253.] AN ACT [H. B. 258

To fix the fees of the circuit clerk of Perry county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the following fees be allowed and fixed as the fees of the circuit clerk of Perry county for performing official duties not otherwise provided, to be paid from the county treasury, such sums as may be allowed by the court of county commissioners not exceeding four hundred dollars per annum.

Fees for official duties of circuit clerk of Perry county.

SEC. 2. Be it further enacted, That the said clerk shall be entitled to the following fees in criminal cases : For docketing each cause, to be charged for but once, twenty-five cents ; for issuing any writ, sci fa., or notice, seventy-five cents ; for each subpoena issued, thirty cents ; for each continuance by defendant, thirty cents ; taking undertaking recognizance and entering the same, seventy-five cents ; for each trial, seventy-five cents ; for entering judgment against defendant, thirty-five cents ; for issue of each execution, fifty cents ; entering orders of removal of trial and incidents of such removal, one dollar; making transcript and certificate for each hundred words, twenty cents, but in no case less than one dollar ; entry of forfeitures against defendant, seventy-five cents ; entry of final judgment of forfeitures against defendant, seventy-five cents ; entry of forfeitures against witness or juror, each, fifty cents ; final judgment, thirty cents ; final record, for each hundred words, twenty cents, but in no case less than two dollars ; record for supreme court, for each hundred words, twenty cents ; certifying the same, twenty-five cents ; for recording indictments and making certified copies thereof under sections 4388 and 4392 of the Code, to be taxed as a part of the costs in the case, fifty cents.

SEC. 3. Be it further enacted, That the provisions of this act shall in no way affect the fees now allowed said clerk in civil causes.

SEC. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 11, 1889.

No. 254.] AN ACT [s. 112

To incorporate the Montgomery and Syllacauga railroad company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That George A. Hill, J. M. Lanning, Murphy Douglas, H. G. McCall, J. H. Parker, M. G. Moore, Peter Buyck, W. P. Gaddis, J. M. Carr, B. K. Collier, M. B. Houghton, J. W. Dimmick, A. M. Baldwin, M. K. Thomas, Jr., H. L. Williams, Bradford Dunham, David Fleming, Benjamin Chett, W. F. Vandiver and H. A. Jones, and their associates and successors be, and they are hereby declared and constituted a body corporate by the name and style of "the Montgomery and Syllacauga railroad company," for the purpose of constructing, using and operating a railroad from the city of Montgomery, Alabama, to the town of Syllacauga, in Talladega county, Alabama, together with such branch road or roads not exceeding the length of the main line as said company may see fit to construct, use and operate. Corporators.

SEC. 2. Be it further enacted, That the corporation hereby created, shall by that name sue and be sued in any of the courts of this State, or of the United States ; have and use a common seal, have and hold real and personal estate, as the same may be necessary for the construction, maintenance, use and operation of said railroad, and the same to sell at pleasure, and to do all acts necessary and proper to effectuate the purprse of this grant which a corporation may or can do. Powers.

SEC. 3. Be it further enacted, That the capital stock of said corporation shall be one million dollars, to be divided into shares of one hundred dollars each, and the persons named in the first section of this act, or a majority of them, may open books of subscription for stock, at such times and places as they may designate, and continue the same as often as may be necessary, until the entire stock is subscribed, and subscription for stock may either be paid in money, labor, or land, for the use of said railroad. Capital stock.

Section 4. Be it further enacted, That the said corporation may organize by electing a board of directors, to consist of not less than five nor more than thirteen Officers.

members, a president, secretary and treasurer, and such other officers with such powers as the board of directors may determine.

Right of way.

SEC. 5. Be it further enacted, That said railroad shall have the power under the general laws of the State to condemn lands for right of way for its track, side-tracks, depots, section houses, drainage, water tanks, and for any other purpose for the proper maintenance and operation of the road.

Express and telegraph.

SEC. 6. Be it further enacted, That said corporation shall have the right to engage in and transact the business of an express company, and may erect along its right of way telegraph poles and wires, and engage in and transact the business of a telegraph company.

May borrow money and secure same.

SEC. 7. Be it further enacted, That said company may borrow money for the purpose of carrying out the objects of this charter, and may make notes, bonds, or other evidences of debt, and by a vote of a majority of its stockholders, held at a meeting called for the purpose, in such manner as the board of directors may see proper, may secure the payment of notes, bonds or other evidences of debt, by a mortgage or deed of trust on its purchases, and any or all of its property, both real and personal.

May lease other railroad can be exercised.

SEC. 8. Be it further enacted, That said railroad company shall have the right to lease and operate any other railroad or railroads that a majority of the stockholders of said company may determine on.

SEC. 9. Be it further enacted, That before said Montgomery and Syllacauga railroad company shall exercise any of the corporate powers herein granted, at least 10 per cent of the capital stock shall have been subscribed for by bona fide subscribers, of whose solvency the incorporators shall be satisfied, and at least two per. cent of the subscription payable in money shall have been paid to a person designated by said incorporators, authorized to receive same ; and those subscribers who have been elected to discharge their subscription in labor or property have entered into contract in writing with such person to convey or perform the same, when directed by the board of directors of said company.

Approved February 11, 1887.

No. 255.] AN ACT [s. 134

To provide a new charter for the town of Russellville.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the town of Russellville, and the present and future inhabitants of said town, shall be, and they are by this act continued, made and constituted a body corporate and politic under the name and style of the town of Russellville, under and by which name and style, and acting by and through the proper officers of said incorporation, hereafter to be designated, all the corporate powers and privileges of this town, by this act granted, shall be executed and carried into effect as required, and under its corporate name aforesaid the said town corporation shall contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto and may purchase, receive, hold and sell, grant, alien and mortgage, assume and let property, real or personal; may have and use a common seal which may be changed at pleasure, and do and perform all acts incident to such incorporation not inconsistent with the laws and constitution of this State.

Corporation; powers of.

SEC. 2. Be it further enacted, That the said town shall consist of the entire section thirty and west half of west half of section twenty-nine, and southwest quarter of section twenty and south half of south half of section nineteen, all in township 6, range 11, west.

Boundaries.

SEC. 3. Be it further enacted, That the government of said town shall be styled "the mayor and aldermen of Russellville," and shall consist of a chief officer to be styled "mayor of the town of Russellville," and four aldermen, to be elected as hereinafter designated, who shall hold office and discharge the duties of mayor and aldermen for one year, and until their successors are duly elected and qualified, and the board of mayor and aldermen shall direct and superintend said elections, and shall have power to prescribe the mode in which all elections shall be conducted, the mode of returning and counting the votes, the vote to be returned to the existing mayor and by him to be laid before the board to be examined and counted, and who shall declare the result of said election. In the event the mayor and aldermen, or any of them are candidates for re-election, then the said board

Mayor and aldermen.

Elections.

shall select one or more persons as the case may be from the qualified voters of said town to conduct the election in the stead of such of its members as are candidates for re-election who shall be invested with all the powers in the premises that are vested in such members of such board for whom he or they are substituted.

SEC. 4. Be it further enacted, That the election for mayor and aldermen shall be on the first Monday in April of each and every year, at which election a mayor and four aldermen shall be elected by the qualified voters of said town.

Deposition of ballots.

SEC. 5. Be it further enacted, That the ballots cast at any election under this act shall, after the same are counted, be sealed up by the board of mayor and aldermen of said town, and deposited with the clerk of the circuit court of Franklin county, Alabama, who shall preserve the same for twenty days after the election is declared, and then if there is no contest the said clerk shall destroy the same, but in the event of a contest the same shall be delivered to the judge trying the same.

Contest.

SEC. 6. Be it further enacted, That any election held under this act may be contested in the same manner as is, or may be provided by the laws of this State for the contest of the election of judge of probate, and shall, so far as practicable, apply to the contest of election held under this act.

Qualification for voters.

SEC. 3. Be it further enacted, That every male inhabitant of twenty-one years of age, who shall have resided in the State of Alabama one year, and within the town of Russellville for three months next preceding the election, shall be a legal qualified voter, and not otherwise.

Power of mayor and aldermen.

SEC. 8. Be it further enacted, That the board of mayor and aldermen of said town shall have power to elect a town clerk or secretary, town treasurer, town marshal and such other officers, agents or employees as they may see fit and think necessary for the good government of said town, and to carry out the powers herein granted, and may prescribe the duties, liabilities and powers of such officers, agents and employees, and may require them to give bond in such sums as they may see fit, for the faithful discharge of their duties, and may remove and discharge any of the officers, agents and employees appointed by them at pleasure, and they may fix the salaries and compensation of all officers, agents and employ-

ees of said town. For any breach of the bond of any town officer, agent or employee suit may be brought in the circuit court of Franklin county, Alabama, or before any court having jurisdiction, and such suit shall be governed in the same manner as other like suits. The town clerk shall keep a regular record of all proceedings, orders, regulations, resolutions and ordinances of the town of Russelville, which shall be read to the board of mayor and aldermen, and signed by the mayor or acting mayor when approved by the board, and the same shall have the force and effect of a record, and a copy thereof, certified by the clerk or secretary, shall be prima facie evidence in any court of record or elsewhere, and said record shall be at all times open for inspection. Duties of clerk.

SEC. 9. Be it further enacted, That in case of the temporary disability of said officers, the said mayor and aldermen shall be empowered to appoint substitutes in their places until their disability be removed. Substitutes provided for in cases of disability.

SEC. 10. Be it further enacted, That a majority of the board of mayor and aldermen shall be required to transact any corporate business, but any number not less than two may assemble at the regular place of meeting and adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as the board of mayor and aldermen may prescribe; that the said board may determine the rules of its proceedings and may fine its members for absence or disorderly behavior. In the absence of the mayor at any meeting of the board, the members present may select a presiding officer, and in case of sickness or temporary absence from the town or inability to serve for any good cause, he may appoint any one of the aldermen to act as mayor during such sickness or absence or inability ; or if the mayor fail, or refuse to appoint them, the board of aldermen may appoint one of their number to act as mayor during such absence, sickness or inability, and such mayor pro tempore shall have all the powers of the mayor, and shall perform all the duties of the same. Majority required to transact business.

SEC. 11. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at the meeting of the board. He shall call special meetings of the board whenever, in his opinion, the interest of the town requires it. He shall keep an office in said town, and hear and determine all cases of violation of all by-laws Duties of mayor.

and ordinances, and punish tlie offenders in such manner as the board of mayor and aldermen may direct. He and the aldermen shall receive such salaries, not to exceed one hundred dollars for the mayor, nor twenty-five dollars each for the aldermen, as may be prescribed by
Salaries. the board, and the mayor shall possess within the corporate limits of said town all the powers and jurisdiction of a justice of the peace, in both criminal and civil cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace. From any judgment or decision of said mayor, as such an appeal may be taken by the defendant to the next term of the circuit court of Franklin county, upon the defendant entering into bond with security payable to the town of Russellville, in such sum as the mayor may require, conditioned to prosecute such appeal to effect and pay and discharge such judgment as the circuit court may render ; Provided, said appeal shall be taken within five days from the rendition of such judgment by the mayor. The said appeal, when so taken, shall be tried and determined de novo, and the defendant shall be entitled to a trial by jury.

SEC. 12. Be it further enacted, That the mayor and aldermen shall have full and complete power.—1. To make, adopt and declare motions, resolutions, by-laws and ordinances in whatever manner and upon what-
Pow'rs of may- ever subject they see fit to carry out the powers here-
or and alder- in granted, and for the good government and order
men. of said town, and to affix thereto such penalties for violation of the same by fine not exceeding fifty dollars, and by imprisonment or hard labor for the town not exceeding thirty days, one or both, and all persons convicted of the breach of any by-law or ordinance failing to pay or secure such fine, may be imprisoned for such failure or placed at hard labor for the town until such fine and costs are paid in such manner and for such time as may be by ordinance or by-law provided, not longer than twenty days. 2. To pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced into said corporate limits ; to establish and regulate an efficient quarantine within said town, and to punish any breach of quarantine laws, and to prescribe the duties and fix the salaries and compensation of all such health officials as they may deem

necessary under the existing health laws of the State. 3. To prevent and remove all nuisances at the expense of the person causing same, or upon whose premises same may be found. 4. To establish, set up and regulate hospitals and poor houses, work houses, and houses of correction. 5. To license, tax or regulate theatrical or other amusements. Each kind of license may be graduated on such basis as the mayor and aldermen may deem proper. 6. To restrain or prohibit gambling houses, houses of ill-fame, disorderly conduct, breaches of the peace, riots and unlawful assemblies and public indecencies, and all games and sports of an immoral character. 7. To regulate night and day watchmen, police, patrol and captain thereof. 8. To establish, regulate and control markets and market houses, and to pass by-laws and ordinances regulating the sale of meats, vegetables, or other like articles within certain places and within certain houses. 9. To sink, repair, and regulate public wells and cisterns ; to establish and regulate fire plugs and public hydrants, and to make all needful provisions for the supply of the town water by water works, or otherwise, gas and gas lights, or other lights, and to control the same. 10. To establish streets, avenues and alleys, and regulate and control the paving, cleaning and repairing and curbing of streets and sidewalks, and giving the grades thereof, set out trees in streets, alleys and parks, and prescribe penalties for injuring the same. 11. To establish and build drains, sewers, aqueducts and reservoirs and to regulate the same, and to pass all laws, ordinances and resolutions to compel owners of lots or real property to ditch or drain the same at the expense of the owner, and to punish any refusal or neglect of such owner or person in charge of such lot or property, by fine or imprisonment, one or both. 12. To establish, regulate and change fire limits within said town, and to pass all laws necessary for the protection of said town against fire, and for this purpose may remove any wooden building or structure, paying the owner therefor a reasonable price, which shall be determined by arbitration, the arbitrators to be selected as follows: One by the owner of the property, and one by the mayor of the city. In case of a failure

to agree the arbitrators so selected shall choose a third arbitrator, and the amount agreed upon by a majority of the arbitrators shall be final. 13. To lay out, regulate, improve and control town cemeteries and burial grounds, and to sell burial lots in the same. 14. To prevent the running at large on the streets of all cows, hogs, dogs or other animals, and to pass all laws deemed necessary by the mayor and aldermen for the sale and impounding of said stock. 15. To regulate and control the building of street railways upon the streets, avenues and alleys of said town, and the running of cars thereon, and to regulate and control the running of cars or locomotives upon or across the streets, avenues, or alleys of said town, and to regulate and control the speed of such cars, engines or trains within the corporate limits of said town. 16. To pass all laws necessary and proper for the arrest and bringing to trial of any person against whom there is a charge made of violating any town or State law; to pass all laws needful for the issuance and execution of such warrant. 17. To make and ordain all laws necessary concerning idlers, paupers, vagrants, and disorderly, or vicious persons, and correcting or restraining their vicious babits, and all persons convicted of a breach of the by-laws and ordinances of said town failing to pay such fine and cost that may be imposed by the mayor, or acting mayor, may be placed at hard rabor for the town or imprisoned until such fine and cost are paid. 18. To pass by-laws and ordinances in relation to auctioneers carrying on their business on the streets, and to regulate the same ; to enact an ordinance or ordinances to prohibit the wearing of any uniform adopted for the police force of the town by any person except those belonging to said police force under & penalty of fine or imprisonment or hard labor on the streets, either or any, at the discretion of said board of mayor and aldermen. 19. To punish all persons who in any manner obstruct the marshal, captain of police or any policeman or other officer in the arrest of any person in said corporate limits or in the lawful discharge of any of their duties in said corporate limits, and for the punishment of any or all persons who when called upon to aid in the arrest or any person shall fail to give

such aid or assistance, or who when summoned to act as patrol, refuse to act. 20. The said mayor and aldermen shall have power to pass and establish inspection laws within the town, the weighing and measuring all building material and all kinds of produce or provisions for man or beast, inspectors not to be paid by the town or allowed to demand pay for their services, but to be compensated by voluntary payments by the parties served; to erect public scale houses, with proper scales, weights and measures, and to appoint weighers and measurers to weigh and measure in case of disagreement between the buyer and seller. 21. Said board of mayor and aldermen shall have power to pass by-laws, ordinances and resolutions providing for grading, paving, curbing and keeping in repair sidewalks and for planting shade trees on side-walks in such manner as shall not be inconsistent with the constitution of this State. 22. Said board of mayor and aldermen shall have power and authority to contract with any persons or association of persons or corporations to grade streets and alleys; to pave streets and alleys, to contract and repair sewers, to light said town and all buildings used for town purposes with gas, electric or other lights, one or more; to supply said town with water and regulate the conveyance and distribution of water throughout said town and generally to do every matter and thing for the good and welfare of said town not inconsistent with the constitution and laws of the State of Alabama. 23. Said board of mayor and aldermen shall have authority to levy and collect from all persons, firms or corporations trading or carrying on any business, trade or profession by agent or otherwise in said corporate limits a license tax on such business, trade profession or calling ; but mechanics who employ no capital, but conduct their trade solely by their own skill, labor and attention without employees shall not be subject to the payment of license ; Provided, that no license tax shall exceed the sum of fifty dollars. General dealers in merchandise, regularly engaged in business in said town, a tax not exceeding one half of one per. centum on amount of merchandise on hand on the first day of January of each year, and to assess, levy and collect

against general dealers in merchandise who are transient, a tax not exceeding one half of one per. centum on the largest amount of merchandise on hand at any one time while engaged in the business ; Provided, that the tax above provided shall be in lieu of the ad valorem tax on one-half of one per. centum hereinafter authorized to be imposed for general town purposes on such merchandise; to assess, levy and collect each year, taxes on all real and personal property in said town for general purposes ; Provided, that personal property (stocks of merchandise included) not in said town on the first day of January of any year, but brought into the town during the year, shall be assessed and taxed pro rata for the remainder of said year from the date it may be brought into said town. The assessments herein mentioned, or to be made by the clerk or secretary of the town ; Provided, that in case any property has escaped taxation in previous years, said clerk or secretary shall assess the same, to be collected as other taxes are collected. The said town clerk, or secretary, or marshal shall be tax collector of said town ; Provided further, that when said town clerk or secretary or marshal shall have completed the assessment for said town taxes he shall return the same to the board of mayor and aldermen. Said board may hear any complaints of property owners as to excessive valuation upon their property, and they may reduce or raise the valuation of property so assessed as may in their judgment be consistent with justice and right; Provided, that all property used exclusively for charitable, educational and religious purposes, or either of them, aud all property of waterworks used for the supply of water to said town and its inhabitants, and public parks, shall be exempt from taxation by said town.

Collection of taxes.

SEC. 13. Be it further enacted, That the said board of mayor and aldermen is hereby authorized and empowered to pass laws for the sale of real estate and personal property in said town for taxes, whether such real estate and personal property belong to resident or non-resident owners, or to persons unknown, and to authorize the sale of any one lot or sub-division of lot, or so much of the property as may be necessary to pay the taxes due and that the owner or any one for him or any mortgagee hav-

ing a lien, be allowed to redeem the real estate at any time within two years from the sale, on paying the purchaser or the town treasurer for him, the amount of the taxes, costs and expenses of sale, by the purchaser, ten per centum damages and legal interest from date of sale to the day of redemption ; the purchaser to pay costs for reconveying, any surplus arising from said sale to be paid to the treasurer and kept by him as a separate fund for the owner, upon the responsibility of his bond. When any lot or part of a lot has been assessed to an unknown owner, the assessment shall be prima facie evidence of the fact, and that the town of Russellville may by its agent purchase real estate sold for taxes, and in such event the deed for the same shall be made by the tax collector of the town of Russellville, to be redeemed as other lands sold for taxes as aforesaid, and when so redeemed, the town of Russellville shall reconvey to the owner, at the expense of the latter, as aforesaid.

Work upon Streets.

SEC. 14. Be it further enacted, That said board of, mayor and aldermen shall have authority to require all male inhabitants of said corporation, who have resided therein ten days, and who are between the ages of eighteen and forty-five years, to work upon the streets of said town for at least five days in each year, under the direction of such officers as the town may appoint; Provided, that any person so required to work may relieve himself from so working, by paying into the town treasury the sum of five dollars—moneys so paid to be applied exclusively to the improvement of the streets; Provided further, that the male inhabitants of said city shall be exempt from working on roads or highways outside of said town limits; Provided further, that no male inhabitant of said town, (save ministers of the gospel), between the ages of eighteen and forty-five, shall be exempt from the operation of this section.

Unlawful for employees to deal in claims.

SEC. 15. Be it further enacted, That it shall be unlawful for any officer, agent or employee of the said, town, either directly or indirectly, by himself or by his agent, to purchase, deal in or traffic in any manner in a claim, debt, warrant or script due from the town, other than town bonds or coupons, and any persons found so dealing shall be guilty of a misdemeanor, and shall be punished by fine not less than ten nor more than one hundred dollars, but nothing herein shall prevent any officer,

agent or employee from acquiring directly from the town or from receiving in good faith, any town claim in payment of a debt due to him, nor from purchasing in good faith so much of such claims as may be necessary to pay his taxes and licenses for the current year, and it shall be unlawful for the mayor and board of aldermen of said town to make any contract, directly or indirectly, with any member of said board to render any service or perform any labor for said town for which compensation is to be paid.

SEC. 16. Be it further enacted. That the mayor and each aldermen, before entering upon the duties of their office, shall mako and subscribe the following oath, viz: That I, A B, will faithfully to the best of my skill and judgment, perform the duties required of me as mayor and alderman, without favor or partiality ; which oath shall be filed in the office of the clerk or secretary of said board.

Oath of office.

SEC. 17. Be it further enacted, That this act shall in no wise affect any property, claims or demands of whatever description, belonging to the town of Russellville, as it existed previous to the passage of this act; that all claims and liabilities, contracts, debts, owing to or incurred by said town, shall be and enforced against said town or by said town, as if this act had not been enacted.

Property, etc., not affected.

SEC. 18. Be it further enacted, That the mayor and aldermen shall have power to open new streets within the corporate limits of said town, or change, alter, or close such streets as now or liereafter may be opened within the limits of said town; Provided, that when new streets are opened on private property, the owner shall receive full compensation for the property so occupied, to be assessed by a jury of five disinterested freeholders selected for that purpose by the town.

New streets.

SEC. 19. Be it further enacted, Tliat all laws and parts of laws which may contravene any of the provisions of this act, be and the same are hereby repealed, and that this act shall take effect from and after its passage; that the present board of mayor and aldermen of the town of Russellville shall be mayor and aldermen of said town until the annual election on the first Monday in April, 1889, and that all acts heretofore done by them for the government of the said town, not inconsistent with the constitution and laws of the State of Alabama, are

When act to take effect.

hereby declared valid; that the laws heretofore enacted incorporating the town of Russellville, with the amendments thereto (save and except as provided by this act,) be and the same are hereby repealed.

Approved February 6, 1889.

No. 223.] AN ACT [H. B. 318

For the relief of William W. Jones.

SECTION 1. Be it enacted by the General Assembly of Alabama, That William W. Jones, of Fayette county, be and he is hereby released from the bonds of matrimony now existing between him and his wife, Josephine E. Jones, which divorce shall have the same effect as divorce granted by a court of chancery, and the said Jones is hereby permitted to contract matrimony again; Provided, that the provisions of this act shall not affect in any manner the rights of the said Mrs. Josephine E. Jones in the courts of this State in the recovery of alimony in any proceedings in any court of this State for a divorce from the said William W. Jones. Released from matrimony.

Approved February 18, 1889.

No. 257.] AN ACT [s. 298

To confirm the incorporation of the town of New Decatur, in the county of Morgan, and to enlarge and define the corporate powers of said town.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the town of New Decatur, in the county of Morgan, heretofore had in the court of probate of the said county by proceedings under the the general law, be and the same is hereby ratified and confirmed, and the corporate existence of said town remains and continues, subject to the provisions of this act, and with all the powers herein and hereby conferred, in place of the powers conferred by the general law; Provided, that the following described Incorporation confirmed.

property shall not be within the corporate limits of the said town, to-wit: Beginning at the southwest corner of the yards of the South & North Alabama railroad, about one hundred and fifty feet northwestwardly from the cotton compress lot, thence southwestwardly about five blocks with the present south line of the lands of the Decatur and Mineral Land company to the center line of Sixth avenue, west, thence northwestwardly along the center line of said Sixth avenue, west, about one block to the center line of the old Danville road, thence northeastwardly with the center line of said Danville road to the present south corporate line of the town of Decatur, thence eastwardly with said corporate line to the western side of the said right of way of the South & North Alabama railroad, thence southwestwardly with said western side of said right of way to the point of beginning; Provided further, that the corporate limits of said town shall not include any part of the territory north of the north line of the right of way of the Memphis and Charleston railroad.

Limits.

SEC. 2. Be it further enacted. That the provisions of this charter and all ordinances passed in pursuance thereof, having for their object the punishment of offenses against "morality and decency," or against "public peace and order," or against the public health, and all provisions punishing burglary, larceny, embezzlement, obtaining goods or other things of value under false pretenses, knowingly bringing stolen property within the town, practicing a fraud, and other ordinances of a purely penal nature, shall have force and effect, and be operative in all that portion of Morgan county not now within the corporate limits of the town of New Decatur, and lying within one mile thereof; Provided, however, that the provisions of this section shall not apply to that part of Morgan county now within the limits of the town of Decatur.

Force and effect of laws within certain limits.

SEC. 3. Be it further enacted, 1. That there shall be elected by the qualified electors of said town of New Decatur, the following officers, namely: a mayor and six aldermen, in the manner hereinafter provided.

Officers; their terms, duties, etc.

2. The next election of mayor and aldermen for said town shall be held on the first Tuesday in May, 1889. The term of office of the mayor elected under this act shall commence at the expiration of the term of

the present Intendant of the town of New Decatur, and shall continue for two years, and until his successor is duly elected and qualified ; and biennially thereafter on the first Tuesday in May [the] mayor shall be elected, whose term of office shall commence at the expiration of the term of his predecessor, and shall continue for aterm of two years, and until his successor is duly elected and qualified. The term of office of three of said aldermen ao elected shall commence at the expiration of the term of the present councilors, and shall continue for two years and until their successors are duly elected and qualified, and the term of office of the other three aldermen so elected shall commence at the expiration of the term of the present councilors, and shall continue for one year, and until their successors are duly elected and qualified, and the firsrt six aldermen elected shall, after having been so elected, cast lots to decide which three shall serve for one year, and which three shall serve for two years; and annually thereafter on the first Tuesday in May, three aldermen shall be elected, whose term of office shall commence upon the expiration of the terms of their predecessors, and shall continue for two years, and until their successors are duly elected and qualified. The officers thus elected shall take the oath and enter upon the duties of office on the first Monday succeeding their election.

3. No person shall be eligible to the office of mayor or alderman, unless he shall be a qualified elector, nor shall he be directly or indirectly interested in any contract whatever to wliich the town is a party, unless such contract is let publicly to the lowest bidder and awarded to him as such.

4. Said election shall be conducted according to the law governing elections for officers under the law of the State, except as declared in this act, and each elector shall have caused himself to be registered in the office of the clerk of the board in the manner hereinafter provided. The polls at such election shall be kept open from 9 a. m. until 5 p. m. Election.

5. At such election there shall be not more than three polls, to be established by the mayor and aldermen, who shall designate the limits of each voting precinct, and of which ten days notice shall be given

by publication as of an election of said town ; that it shall be the duty of the clerk of the board of said town to provide for the opening of said polls, and to give ten days notice by publication in a newspaper of said town, if any published therein, and if no paper is published in said town, such notice shall be given by posting notices in three conspicuous places of the time of holding said election of the several polling places, and names of inspectors of election of each precinct. The said board of New Decatur shall appoint the said inspectors, who shall perform the duties of the returning officers ; and the inspectors for the first election shall be appointed by the Intondent and councilors of the town of New Decatur. The number of said inspectors so appointed shall be three for each poll in said town, one of whom shall be a member of each political party, and said inspectors shall be duly qualified electors of said town, capable of reading and writing.

Duties of registrar.

6. The clerk of the board shall act as registrar of voters. Said registrar shall commence registration on the first Monday in April next preceding each election, and shall continue the same for ten consecutive days, Sundays excepted, from nine a. m. to five p. m. of each day, and said registrar shall give at least ,ten days notice by posting notices in five conspicuous places in said town of the time wlien and place at which he will attend and make registration of voters, as hereinafter required. Before registration is made of any applicant therefor, said registrar must be satisfied by personal knowledge, or sufficient evidence, that such applicant lias resided at least three months in said town, and that he will be legally entitled to vote at the then next ensuing election for said mayor and aldermen of said town, and said registrar being so satisfied must thereupon place the name of such applicant upon the registration list, together with the place of his residence, describing the same by street, or such other description as may be easily intelligible. The names of parties registered shall be placed upon said list alphabetically, and be numbered in the order of registration. Said registrar shall carefully preserve the original registration list, and sliall certify the same over his signature, and within three days after the closing of the registration, to the mayor of said town ; and the mayor shall

transmit a certified copy thereof to the inspectors of the respective voting places.

7. The inspectors of election in the several voting places shall not receive at said election the vote or ballot of any person whose name does not appear upon the registration list of that precinct, as furnished by the mayor, and who does not or. demand, make satisfactory proof of his identity. Upon the receipt of any vote by the inspectors, they shall forthwith check off with ink the name of the person voting. The said inspectors shall immediately after the polls are closed, proceed to count the ballots and compare them with the poll list at their respective polls, and certify the result of the election in their respective precincts to the mayor and aldermen of said town. They shall enclose the ballots cast, with the registration lists, together with their certificates of the result, in the box in which is placed the ballots received at such election, and after carefully sealing the same, deliver said box with its contents to the mayor of said town, who shall give to said inspectors his receipt for said box, stating in said receipt the condition of said box when received by him. The said mayor and aldermen of said town, or a majority of them, shall, immediately after the delivery of the ballot boxes, and poll lists of the respective voting places, as hereinbefore required to said mayor, proceed to open the said boxes, and within three days, by a count of the votes and comparison thereof with the poll lists, and returns of the inspectors at the several polls, verify, and if necessary, correct the said returns, and declare the election to their respective offices of the persons who shall have received the largest number of legal votes for the respective offices to be filled at said election, and shall give certificates of election to their respective offices to the persons so found to be elected. The said certificates of election so issued by the said mayor and aldermen, or a majority of them, shall entitle the person so certified to the possession of the respective offices, immediately upon the expiration of the term of office of their predecessors, as fixed by this charter, subject, however, to contestation of their rights. During such contestation, and until decision by the tribunal having jurisdiction of such contests, the official acts of such certified officers about the business of their respective offices, shall be good and valid in law. The election of persons declared

Duties of inspectors.

Duties of mayor and aldermen.

elected to any office herein provided for, which may be filled by a vote of the qualified electors of said town of New Decatur, may be contested by any qualified elector for any one or more of the causes mentioned in section 396 of revised code of 1886, such contest to be tried by the judge of probate of Morgan county, in accordance with the provisions of article III, chapter 4, revised code of 1886, or any amendment thereof ; Provided, however, that said elector so contesting shall, within ten days after such person is declared duly elected, present a statement of the grounds of contest, verified by affidavit as required by section 397 of revised code of 1886, to the judge of probate of Morgan county.

Contests.

SEC. 4. Be it further enacted, 1. That every officer of the town, and his assistants, shall, before entering upon the duties of such office, take and subscribe before some person qualified to administer oaths, the following oath or affirmation : "I, ———, do solemnly swear (or affirm) that I will support the constitution of the United States, and of the State of Alabama, and the charter and ordinances of the town of New Decatur, and that I will faithfully discharge the duties of the office of ———, according to the best of my ability." Which oath or affirmation, so subscribed, shall be filed in the office of the clerk of the board, and all such officers, except the mayor and aldermen, shall, before entering upon the duties of their respective offices, execute a bond wth security, to be approved by the board, payable to the town, in such penal gum as may by resolution or ordinance be- directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer according to law and the ordinances of said town; Provided, however, that the treasurer's bond shall not be fixed at a less sum than the amount of the estimated tax and special assessments for the current year, which bond shall be recorded in the office of the judge of probate of Morgan county, on. payment of the fee therefor, and it shall be the duty of the mayor to have such bonds so recorded. If any person elected or appointed to an office shall fail for five days after such election or appointment, to take and subscribe such oath or affirmation, or give and file bond, as reqircd by this section, his office shall be deemed vacant, and on such failure being certified to the board by its clerks, the board shall proceed at once to fill

Oath of city officers.

Official bonds.

such vacancy. For any breach of the conditions of said bond, suit may be instituted thereon by the town, or by any person, first securing the town against cost, in the name of the town of New Decatur for the use of such person.

2. All officers appointed under this act, shall be commissioned by warrant under the corporate seal, and signed by the clerk and mayor of said town. Commission.

3. All officers appointed under tills act shall have the qualification of electors of said town. Qualifications.

4. It shall be the duty of the clerk to keep the corporate seal; to attend all meetings of the board ; to enter in the minute book a full and faithful record of its proceedings. He shall issue and cause to be served upon the aldermen notices of all special meetings of the board, to give notice to all persons whose attendance may be required before the board, or any committee thereof, when so directed ; shall keep in a book to be kept for that purpose, a record of all ordinances passed by the board, and at the foot of the record of each ordinance so required, shall make a memorandum of the date of passage and page of the minute book on which it appears, and of the publication or posting of such ordinance, which record and memorandum or a certified copy thereof, shall be prima facie evidence of the passage and legal publication or printing of such ordinance for all purposes whatsoever. He shall draw his warrant upon the town treasurer in such form as shall be from time to time prescribed by the board for all moneys appropriated or ordered to be paid by said board. He shall prepare all commissions, licenses, permits and other official documents required to be issued by him under the laws and ordinances of said town. He shall be the clerk of the police magistrate, and shall have power to administer oaths and affirmations upon all lawful occasions, and perform such other duties as the board shall by ordinance prescribe. Duties of clerk.

5. The treasurer shall be the custodian of all moneys belonging to the town and shall deposit the same in such bank as the board may direct; shall keeps a faithful and true account of the same, and pay them out in such manner and under such regulations as the board may direct, and shall make an annual report and oftener if required, to the board relating to the finances Duties of treasurer.

of the town, and shall perform such other duties as the board shall by ordinance prescribe.

Duties of all officers.

6. The powers and duties of all elective and appointive officers in said town shall be prescribed by ordinance, and not inconsistent with the provisions of this charter.

Annual report.

7. The mayor, clerk, treasurer, marshal, health officer, fire marshal, and all other officers shall make a report at the end of each fiscal year to the board and at such other times as they may direct.

Duties of mayor.

SEC. 5. Be it further enacted, 1st. The mayor shall be the chief executive officer of the town, and shall perform all such duties as are or may be prescribed by law, or by the town ordinances, and shall take care that the laws and ordinances are faithfully executed.

2. The mayor shall, from time to time, lay before the board a full statement of the condition of the affairs of the town, and shall recommend for their consideration such measures as he may deem expedient.

3. The mayor shall have the power at all times to examine and inspect the books, records, and papers of any agent, employee or officer of the town.

4. He shall have the power and jurisdiction of a justice of the peace in all matters, civil or criminal, arising within the corporate jurisdiction.

5. He shall be the police magistrate of said town, and may impose the penalties prescribed by ordinances or by this act for the violation of the ordinances and by-laws of said town.

6. He shall have power to remove the clerk of the board and treasurer, or any officer elected by the board, whenever he shall be of the opinion that the interests of the town demands such removal, but he shall report the reason for such removal to the board at a meeting to be held not less than five days nor more than ten days after such removal, and if the mayor shall fail or refuse to file with said clerk a statement of the reason for such removal, or if the board by a two-thirds vote of all its members elected by yeas and nays to be entered upon the record, disapprove such removal, such officer shall thereupon become restored to the office from which he was removed.

7. He shall make proclamations whenever he shall deem it necessary for the public health, or whenever

instructed by the board, in order to prevent contagious or infectious diseases from being introduced into the town, prohibiting all persons and goods from infected localities from entering said town, and under ordinances to be adopted for that pupose, shall have power to offer rewards for the detection and punishment of all violations of such proclamations.

8. He shall make proclamations whenever it shall be deemed necessary for the public peace and order of the town, prohibiting riotous and disorderly assemblies, or closing saloons and public places of amusement.

9. He shall have power when necessary to call on all male inhabitants of the town, over the age of eighteen years to aid in enforcing the laws and ordinances.

10. He may release any person imprisoned for violating any town ordinance and remit the fine therefor, but he shall report such release with the cause thereof to the board at it first session thereafter.

11. If the mayor or any alderman or other town officer at any time during the term of his office shall remove from the limits of the town, his office shall thereby become vacant. Vacation of office.

SEC. 6. Be it further enacted. That the board shall consist of the mayor and six aldermen.

2. The board shall be the judge of the elections, returns and qualifications of its own members, and a majority of such board shall constitute a quorum to do business, but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Duties of mayor and aldermen.

3. The mayor shall be ex-officio president of the board, but shall have no vote except in election of officers, and when in consideration or passage of resolutions or ordinances the board be equally divided, and in the absence or inability of the mayor to serve, the board may elect a mayor pro tern. from their number, who, during such absence or disability, shall possess the powers of the mayor, but shall not lose his right to voting as an alderman.

4. The board shall keep a record of its proceedings and sit with open doors.

5. The yeas and nays shall be taken upon the passage of all ordinances or propositions to create any liability against the town, or for the expenditure or appropriation of its moneys, and in all other cases at the request of any member.

6. The board shall determine its own rules of proceedings, punish its members for mal-conduct or disorderly behavior, and with the concurrence of two-thirds of the board may expel a member; Provided, that any alderman who shall have been convicted of bribery, perjury or other infamous crime shall thereby be deemed to have vacated his office.

7. The board shall prescribe by ordinance the times and places of the meetings thereof, and the manner in which special meetings thereof may be called.

8. All ordinances or resolutions passed by the board shall take effect and be in full force from and after the passage, by posting a copy thereof in a conspicuous place in the mayor's office.

9. In case of death, resignation, removal or inability of the mayor, clerk, treasurer or any alderman, the board shall fill such vacancy.

10. The board shall elect a clerk of the board, a treasurer, a chief of police, a marshal, a jailor, and health officer, town attorney, and may elect a fire marshal, superintendent of streets, town engineer and such other officers as the board may establish by ordinance.

Pow'rs of mayor and aldermen.

SEC. 7. Be it further enacted. That the board shall have the following powers :

1. To control the finances and property of the corporation.

2. To appropriate money for corporate purposes only, and provide for the payment of the debts and expenses of the corporation.

3. To levy and collect taxes for general and special purposes on real and personal property.

4. To license all business and trades not prohibited by the constitution and laws of the State of Alabama, to fix the amount, terms and manner of issuing or revoking such licenses, and to provide a penalty for the doing of business without a license ; Provided, that the town of New Decatur shall levy a privilege tax upon merchants doing business in Decatur, and delivering

their goods in New Decatur, if the corporation of Decatur levies like taxes upon the merchants doing business in New Decatur and delivering goods in Decatur, and not otherwise.

5. To license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers, brokers, second-hand and junk stores.

6. To license and regulate ferries and to prescribe their compensation.

7. To license, regulate and restrain hawkers, peddlers, pawn brokers, itinerant vendors, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and revoke such license at pleasure.

8. To license, regulate and restrain street cars, hackmen, draymen, omnibus drivers, carters, cabmen, porters, runners for stages, cars and public houses, expressmen and others pursuing like occupations, and to prescribe their compensation.

9. To license, regulate, restrain and prohibit billiards, bagatelles, pigeon hole or any other tables or implements used for a similar purpose in any place of public resort, pin alleys and ball alleys.

10. To license, regulate and restrain the selling or giving away of any spirituous, vinous or malt liquors, the license not to extend beyond the fiscal year in which it shall be granted, to fix the license for, and to limit the number of licenses to be granted ; Provided, that permits may be granted to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeitures under such regulations as may be provided by ordinance.

11. To license and regulate wharf-boats, tugs, and other boats used within such police jurisdiction, and to fix the rate of wharfage.

12. To revoke all licenses under such restrictions and regulations as may be provided by ordinance.

13. To close houses and places for the sale of intoxicating liquors when the public safety and peace may require.

14. To forbid and punish the selling or giving away of any spirituous, vinous or malt liquors to any minor, habitual drunkard, or intoxicated person.

15. To prohibit and suppress houses of prostitution and disorderly houses ; and also to suppress gam-

ing and gambling houses, lotteries, and all fraudulent devices and practices for the purpose of gaining or obtaining money or property, and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations, and to prohibit or suppress all public masquerades, exhibitions and amusements which violate public morals and decency.

16. To assess, levy and collect annually a tax for general and special purposes on real and personal property not exceeding one-half of one per cent. on the value thereof, as assessed for state taxation during the preceding year.

17. To levy and collect annually a poll tax of not exceeding two dollars on each adult male inhabitant, who has resided in said city three mouths next preceding such levy.

18. To establish, open, alter, vacate, widen, extend, grade, cut down, fill in, and pave or otherwise improve all streets, avenues, sidewalks, alleys, wharves, public grounds, and squares, and provide for the payment of the costs and expense thereof in a manner not inconsistent with the provisions of this act.

19. To plant trees upon the same.

20. To regulate the use of the same.

21. To prevent and remove obstructions and encroachments upon the same.

22. To provide for the cleaning of the same.

23. To regulate the openings therein for the laying of gas or water mains and pipes and the building and repairing of sewers, culverts and drains, and erecting gas and electric lights, telegraph and telephone poles and wires, subject, however, to the reservations in the dedication of any streets, alleys or avenues, wharves or public grounds.

24. To regulate the use of sidewalks and all structures thereunder, and to require the owner or occupant of any premises to keep the sidewalk in front of or along the same, free from obstruction.

25. To compel the owner or tenant of any premises to keep the sidewalks in front of or along such premises clean and in repair ; and to prescribe the kind of pavement to be laid and to compel the laying of such pavement along such sidewalk.

26. To regulate and to prevent the throwing or

depositing of ashes, dirt, garbage, or any offensive matter in, and to prevent injury to any street, avenue, alley or public grounds.

27. To provide for and regulate crosswalks, curbs and gutters.

28. To prevent and regulate the use of streets, sidewalks, and public grounds for signs, signposts, awnings, awning posts, horse troughs, racks, posting hand bills and advertisements.

29. To regulate traffic and sales upon the streets, sidewalks and public places.

30. To regulate the speed of horses and other animals,- vehicles, cars and locomotives within the limits of the corporation.

31. To regulate the numbering of houses, and to name and change the name of any street, avenue, alley, or other public place.

32. To require railroad companies to keep flagmen at railroad crossing of streets, and to provide protection against injury to persons or property in the use of such railroads, and to compel and require railroad companies to make and keep open and keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right-of-way,-and so that the natural drainage of adjacent property shall not be impeded ; and to regulate and restrain the blocking up of streets or avenues or the impeding of travel thereon by any railroad company.

33. To construct and keep in repair bridges and viaducts, and to regulate the use thereof.

34. To construct and keep in repair culverts, drains, sewers, and cess-pools, and regulate the use thereof.

35. To deepen, widen, cover, wall, alter or change the channel of creeks.

36. To erect and keep in repair landing places and wharves.

37. To regulate and control the use of public and private lauding places and wharves.

38. To control and regulate the anchorage, moorage and landing of all water crafts and their cargoes, within the jurisdiction of the corporation.

39. To collect wharfage from all boats, rafts, or other crafts landing or using any public landing place or wharf within the jurisdiction of the corporation.

40. To provide for draining or filling up of ponds on private property whenever necessary to prevent or abate nuisances, and to cause the same to be done at the cost of the owner.

41. To prevent infectious and contagious diseases from being introduced into said town; to ordain all regulations necessary for an effective quarantine and to enforce the same within five miles of the corporate limits of said town ; Provided, however, that this power has no application to the territory occupied by or north of the town of Decatur.

42. To maintain cleanliness and health of the town and provide for the inspection and cleanliness of all places likely to be or become detriment to health, and to adopt such ordinances and regulations as shall be deemed necessary or expedient to protect health and prevent the spread of disease, and to maintain a good sanitary condition in the streets, public places and private premises of said town.

43. To suppress all nuisances at the expense of the person causing the same, or upon whose premises it is found, on private or public property, and may enter upon private property for the purpose.

44. To prescribe the manner in wliich drainage from private premises may be disposed of, to provide the manner in which water closets and sinks shall be constructed, to discontinue and forbid the use of sinks, pits, dry wells and the like, to regulate and compel connection of private and public premises with the sewer system of said town, and to regulate said connection as they may deem best for the health of said town.

45. To control, regulate and prohibit slaughter houses within the police jurisdiction of the town, and to provide for the weighing and herding outside of said town of all live stock intended for slaughter and to prohibit the same from being driven through the streets of said town.

46. To prevent the sale of adulterated or decayed food and adulterated drinks.

47. To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

48. To direct the location and regulate the use and construction of breweries, distilleries, livery stables and tanneries.

49. To prohibit any offensive or unwholesome business or establishment within the police jurisdiction.

50. To compel the owner of any grocery, cellar, tannery, stable, pigsty, privy, sewer, or other unwholsome or nauseous house or place; to cleanse, remove or abate the same, and to regulate the location thereof.

51. To establish and regulate cemeteries within or without the corporation and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed and prohibit their establishment within the corporation.

52. To erect, establish and maintain hospitals, medical dispensaries, poor houses and infirmaries, and control and regulate the same.

53. To erect and establish markets and market houses and provide for the use and regulation thereof.

54. To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard and vegetables.

55. To provide for the inspection and sealing of weights and measures, and enforce the keeping and use of proper weights and measures by vendors.

56. To provide for the inspection and condemnation of steam boilers.

57. To provide for the erection and care of all public buildings necessary for the use of the town.

58. To provide for taking of the census of the town, but no town census shall be taken by authority of the board of aldermen oftener than once in three years.

59. To exercise the right of eminent domain for public purposes in the manner prescribed by the constitution and laws of the State of Alabama.

60. To regulate places of amusement and public entertainments.

61. To determine the limits within which wooden buildings shall not be erected, and to prevent the reconstruction in wood of old buildings within such limits, and to condemn buildings and parts thereof which are dangerous and insecure.

62. To organize and maintain free public schools.

63. To establish or purchase and maintain water works, or contract for the furnishing of water for fully supplying the town and its inhabitants with wholesome water, and to regulate the manner and rates of furnishing water to private consumers.

64. To establish or purchase and maintain gas and electric works, or contract for the furnishing of gas for light or fuel, or electricity for light or power, for fully supplying the town and its inhabitants, and to regulate the manner and rates of furnishing gas and electric lights to private consumers.

65. To establish and erect jails, houses of correction and work houses for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city ordinance; to make rules and regulations for the government of the same.

66. To establish and maintain a fire department, and to regulate the same.

67. To erect engine houses and provide fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires.

68. To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove pipes, ovens, boilers, and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and producing fires; to prevent the depositing of ashes in unsafe places, and to cause all such buildings and enclosures as may be in a dangerous state to be put in a safe condition, and to prescribe and compel the construction of fire escapes.

69. To regulate and prevent the storage of gun-powder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or any of the products thereof, and other combustible or explosive materials, and the use of lights in stables, shops and other places, and the building of bonfires, also to restrain and regulate the use of fireworks, fire-crackers, torpedoes, roman candles, sky rockets, and other pyrotechnic displays.

70. To pass ordinances for securing the safety of persons from fire in halls and buildings, let or used for public assemblies and for entertainments and amusements.

71. To regulate the police of the town, and to restrain and prohibit disorderly conduct and breaches of the peace.

72. To prescribe the duties and powers of the chief of police, policemen and watchmen.

73. To prevent and suppress riots, routs, affrays,

noises, disturbances and disorderly assemblies in any public or private place.

74. To prohibit and prevent cruelty to animals.

75. To restrain and punish vagrants, mendicants and prostitutes.

76. To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets, or on the side-walks, or to frighten teams and horses.

77. To prohibit and restrain gaming and the keeping of gaming houses, to authorize the police, on affidavit being made by any reputable person that he has good cause to believe, and docs believe, that any house or part of a house in said town is being kept for the purpose of carrying on gambling therein, to break into and enter such house or part thereof, upon the refusal of the owner or occupant thereof to open the same, and to seize all gambling instruments therein, and to arrest all persons found therein.

78. To impound and forfeit domestic animals found on the streets contrary to town ordinances.

79. To pass ordinances for the punishment of all persons who in any manner obstruct any police officer, or patrolman in the lawful performance of any of his duties in the police jurisdiction of said town, or in the arrest of any person within the police jurisdiction of said town, and for the punishment of all persons who, when called upon by any of the town officers, to aid in the arrest of any person in the police jurisdiction of said town, shall refuse to render assistance as required, and, in all cases where any person is so called on, and aid such officer or patrolman as required, such person shall not be liable to indictment or punishment in the courts of this State therefor, nor to punishment by the police magistrate of said town, nor shall lie be liable to any damage in any civil action therefor, provided he does no more than is reasonably necessary to effect said arrest.

80. To authorize the chief of police, and such other officers of the police force, as it may designate, to administer oaths and issue warrants for the arrest of offenders against the law of the State or by-laws and ordinances of the town of New Decatur, returnable before the police magistrate of said town.

81. To pass by-laws and ordinances for assessing property adjacent to any street, avenue or alley, for the purpose of opening-, widening, grading, macadamizing, paving and curbing the streets and avenues of said town, the paving of sidewalks, and the construction and laying of sewers and drains.

82. To expel any of its members for official misconduct by vote of two-thirds of all the members elected to the board, the mayor to have a vote therein, the vote being taken by yeas and nays and spread upon the minutes, five days notice and an opportunity of being heard in his own defense having been previously given said member, with a copy of the charge against him, but an appeal may be had from any such judgment of expulsion to the circuit court of Morgan county, upon the accused entering into bond payable to the board with such security and in such amount, not exceeding two hundred dollars, and with such conditions as may be approved by the board; Provided, that such appeal is taken within thirty days after such judgment is rendered, and the cause upon such appeal shall be tried de novo.

83. To provide by ordinance, that all paper, printing, stationery, blanks, fuel and all other supplies needed for the use of the town, and all work for local improvements shall be furnished and done by contract, to be let to the lowest responsible bidder.

84. To grant the use of any right to lay down railroad tracks in the streets of said town and regulate the use of same, and to compel the owners thereof to pave and keep in repair that part of the streets, bridges and crossings over which their cars run, and to the extent of twelve nches on the outside thereof, subject, however, to the reservations in the dedications of such streets.

85. To pass all ordinances, rules, and make all regulations proper or necessary to carry into effect the powers granted herein, with such tines and penalties as the board shall deem proper; Provided, no fine or penalty shall exceed one hundred dollars, and no sentence to imprisonment shall exceed six months.

86. To provide for the revision of the general ordinances of the town at least once in every five years.

87. To fix all salaries and fees of the officers of the said town.

88. To summon witnesses, and compel their attend-

ance, and administer oath by the president or chairman, compel witnesses to testify and produce books and papers in all matters relevant to the government of the town, and the power and jurisdiction hereby conferred, and may punish them by imprisonment not exceeding ten days for failure to attend or refusal to testify or produce books and papers, but an appeal from any such order shall he to the circuit court of Morgan county.

89. To arrest fugitives from justice.

SEC. 8. Be it further enacted, 1. The style of the, ordinances of said town shall be: "Be it ordained by the board of the town of New Decatur." Ordinances.

2. All ordinances and the date of publication thereof may be proven by certificate of the clerk of the board under the seal of the corporation, and when printed in book or pamphlet form and purporting to be published by authority of the board, the same need not be otherwise published, and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinance, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof.

3. All actions brought to recover any fine, or to enforce any penalty under any ordinance in said town, shall be brought in the name of "the town of New Decatnr" as plaintiff. Actions to recover fines.

4. All fines and forfeitures for violation of ordinances when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance. Manager collected

5. In all actions for the violation of any ordinance the first process shall be a warrant for the arrest of the offender upon oath being made before the proper officer, that an offeuse in violation of an ordinance of the town has been committed, and accusing such person thereof, and any person arrested upon such warrant shall, without unnecessary delay, be taken before the police magistrate to be tried for the offense. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the magistrate, be committed to the county jail, town prison, workhouse, or other place provided by the town for the incarceration of offenders until such fine, penalty and costs are fully paid. The board of aldermen shall Violations of ordinanes

have power to provide, by ordinance, that every person so committed, shall be required to work for the corporation at such labor as his or her strength will permit, within and without such prison, workhouse, house of correction or other place provided for the incarceration of such offenders, not exceeding ten hours each day ; allowing not exceeding one dollar for each day's service, exclusive of board; that no female must be punished by subjecting her to work on the streets.

6. Any constable or sheriff of the county of Morgan may serve any process, or make any arrests authorized to be made by any town officer.

Arrests.

SEC. 9. Be it further enacted, 1. That the mayor and aldermen may levy and collect each year, upon all real and personal property, and all subjects of State taxation within said town, except the tax levied on polls, a tax not exceeding one-half of one per. centum of the value of such property, or subjects of taxation, as assessed for State taxation during the year preceding that for which said mayor and aldermen may assess and lay the tax above provided for; and there shall be no exemptions from taxation.

Proceedings for collection of taxes.

2. The taxable property of each tax payer, and the subject of taxation on which he is taxable, and the amount or value of each item thereof, as valued by the assessor of Morgan county for the preceding year mentioned in paragraph 1 shall be ascertained and fixed by the aforesaid tax assessor's book of such year, made by him under the requirements of the laws of Alabama, and any supplemental assessment that may have been made by him for such year, all corrected as provided in section five hundred and twelve (512) Code of Alabama.

3. Said mayor and aldermen shall cause a copy of such tax assessor's books, corrected as aforesaid for such preceding year, to be made and entered in a bound book properly prepared for that purpose ; but when the property or subjects have changed owners since said assessments were made on it by said tax assessor, said copy shall be so corrected as to show its true owner at the commencement of the year for which the tax provided for in this act is to be paid, and so as to show against whom the tax on each is laid. If the property has since auch assessment been destroyed, or

greatly damaged by fire or other cause, this also shall be noted, with the estimated amount of damage.

4. As soon as the book provided for in the preceding paragraph is made and corrected, it shall be filed with the clerk of said board, where it shall remain for twenty days open to public inspection ; and notice of that fact shall be immediately given by said clerk, by the publication of a notice to that effect for ten consecutive days in some newspaper published in the said town of New Decatur, or by posting the same in three conspicuous places in said town. Any person charged in said book as the owner of any property or subject of taxation which he was not the owner of on the first day of January of the year for which the tax therein provided for is to be laid, shall within said twenty days, file with said clerk his affidavit to that effect, and if he knows who the owner is, shall state the fact, or that he does not know. Any tax payer may also file objections as to the correctness of said book as a copy of the aforesaid books of tax assessor of Morgan county, designating wherein such copy does him injury. Upon notice by the clerk that such objections have been filed, said mayor and aldermen shall meet and hear and determine all such objections and correct said book accordingly, and their decision on such objections, and as to all corrections to be made, shall be final. Said board may also of their own motion, correct any error of ownership as aforesaid, but in no event shall it change such valuation, except in case of deterioration provided for in the preceding paragraph. Said mayor and aldermen shall continue its session from day to day, until all objections so filed are disposed of, and no longer.

5. A majority of the board of mayor and aldermen shall be a quorum for the transaction of all business, and as soon as possible after the lapse of said twenty days, said board shall lay and levy for the current year the tax authorized by this act on all the property and subjects of taxation so listed and valued in the book mentioned in paragraph three of this act, corrected as aforesaid.

6. The taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes the said

town of New Decatur shall have a preferred lien over all incumbrances and secureties whatsoever, except county and State taxes, and all taxes assessed against the property of any person or persons under this act, or for which such person may become liable for the current year, shall be a lien upon the real and personal estate of such persons within said town of New Decatur from the first day of January of that year, or if brought into the town after that time, the lien shall attach from the time it is brought in.

7. After the taxes shall be fixed and levied, the mayor of said town shall certifiy the same at the end of said tax book, and append thereto his warrant directed to the person authorized to collect taxes for said town of New Decatur, authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax book and warrant to said person so empowered to collect taxes for the town of New Decatur, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days in some newspaper published in New Decatur, or by posting notices in conspicuous places, that he is ready to receive payment of the taxes so levied.

8. After thirty days have elapsed from the first publication of such notice, the said collector of taxes, or his deputy, shall make personal demand upon delinquent tax payers, wherever they may be fonnd, for the amount of their taxes and costs; whenever unable to find them, shall leave a written or printed notice at the place of residence of such tax payers, requiring them to come forward and pay such taxes and costs immediately, and for giving such notice the tax collector shall collect fifty cents, and it shall be the duty of such delinquents forthwith to make payment of their taxes and fees to the collector of taxes at his office, but no demand or notice shall be necessary to tax payers who are non-residents of said town.

9. The collector of said tax shall be charged with and accountable for the whole amount of the taxes assessed for the year, and can only be discharged from such accountability by showing that the amounts unpaid could not have beea collected by the exercise of the means given him.

10. All taxes laid under this act, which are not paid

at the end of ninety days from the first publication of the notice required in this act, shall be in arrears and delinquent from that date. Upon all taxes paid in advance of such date, an abatement shall be allowed of one-half of one per centum per month, on the amount of such tax, for each and every month so paid in advance and upon all delinquent and unpaid taxes on the aforesaid date, a penalty of one-half of one per centum per month, on the amount thereof, on the first day of each mouth, subsequent to such date, to all of such taxes as may then remain delinquent and unpaid, to be collected as said taxes are authorized to be collected,

11. After the expiration of ninety days from the first publication of the tax collector's notice aforesaid, the tax collector may levy upon and seize any personal property, if any there be, and if there be none, or not sufficient personal property, then upon the real estate of said delinquent tax payer; Provided, that a failure to levy on and sell any personal property for taxes, shall not vitiate the sale of real estate of any such delinquent tax payer and the cost of such sale, and no personal property so sold for taxes shall be subject to redemption. But when real estate is levied on, notice of the sale shall be given ten days before the day of sale in some newspaper published in New Decatur or by posting notices thereof in conspicious places. The land may be described by such numbers and abbreviations, as will clearly indicate the property to be sold. Sale shall be at the mayor's office, or some other public place in said town, to commence on the day indicated in the notice, and sale may be continued from day to day until completed.

Sale of property for taxes.

12. At all sales by the tax collector of property for taxes, he shall attend and bid off for the town of New Decatur, as purchaser, all the lots and lands on which the tax collector cannot get a bid from other persons, for the taxes and expense of sale, and the town of New Decatur shall have a certificate of purchase, and be vested with all the titles to the property so bought in, subject to redemption, hereinafter Provided. When any real property shall be sold by the tax collector for the non-payment of taxes, he shall give the purchaser at such sale a certificate to the following effect: I, ———, tax collector of the town of New Decatur, do

hereby certify that the town taxes for the year 18—, (or the particular tax or assessment, as the case may be), amounting in all to————dollars, being due and unpaid by (A B), the owner or agent therefor, I have this day sold for the payment of taxes due by said (A B), and for collection for costs of levy and sale to (C D), who has paid the amount of taxes due as above, the following piece, parcel, or lot of laud, lying in the town of New Decatur, and bounded and described as follows : (insert description). By virtue of the powers given me by law, I hereby authorize said (0 D) to have and to hold the above described lands and tenements, until the same shall be redeemed according to law. In witness whereof, I have hereunto set my hand and affixed the seal of this corporation, this -——day of ————, 18—, ———tax collector. Any real property sold under the ..provisions of this act may be redeemed by the owner or any person interested therein, within two years after said sale, by. paying to the town of New Decatur the amount of purchase-money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of fifteen per cent. per annum, and thereupon shall receive a certificate of redemption therefor. It shall be the duty of the town tax collector to keep in his office, in a book provided for that purpose, and conveniently indexed, a record of all certificates of purchase issued by such tax collector, and when real estate shall be redeemed as herein provided, it shall be such tax collector's duty to note such redemption on such record, and when the purchaser, or his assignee, shall demand the money paid on such redemption, he shall pay the same to him upon the surrender of the certificate of purchase, and upon his failure to do so, said tax collector and his bondsmen shall be responsible to the person entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption, signed by him, setting forth the facts of the sale substantially as contained in the certificates of sale, the date of redemption, amount paid and by whom redeemed, and such certificate shall be prima facie evidence of the facts therein stated. Said tax collector shall make such report of redemption as said corporate authorities may require.

Redemption of real estate.

After the expiration, of two years from date of sale, the tax collector then in office, shall, upon application of holders of certificates of purchase, make out a deed to each lot or parcel of real property, sold and unredeemed, and deliver the same to purchaser or his assignee, upon return of certificate of purchase, payment of all subsequent taxes on the property and one dollar for the deed; but any number of parcels of real property for which one person may hold purchase certificates, may be included in one deed as may be desired by purchaser. Such deed shall be signed by tax collector in his official capacity, and acknowledged by him before some officer authorized to take acknowledgements, and when thus executed and recorded, shall vest in grantee all rights, title and estate of former owner, free from all incumbrances made or suffered by them, (except State and county taxes). Such deeds shall be prima facie evidence in all courts of this State, in all controversies and suits, in relation to the rights of the grantee therein, to the land conveyed, of the facts recited in such deeds of regularity, of all proceedings in assessment and sale of said property required by this act, and of the title of the grantee, his heirs and assigns.

Duty of collector when real estate is not redeemed.

13. Should said corporate authorities require other means of collecting the taxes herein authorized, they may by ordinance adopt or substitute for any of the foregoing, provisions contained in Part 1, Title 7, Code of Alabama, or any part of such provisions for the collection of such taxes, by the town of New Decatur, so a far as the same will apply, and shall have same right to sell property and make titles to property sold for taxes, as is provided for collecting State and county taxes, and said corporate authorities in adopting such provisions shall, by adopting ordinances, declare which of such provisions they adopt, and in such ordinance they may change the provisions so far as to substitute its tax collector for that of the State and county, and so as to adopt the provisions relative to State and bounty taxes to the collection of the taxes herein authorized, and the mayor and aldermen shall have power to collect all taxes and all fines by execution, levy and sale, and from such execution no property shall be exempt. Provided, that this mode of collect-

May adopt same provisions as for collecting State and co. taxes.

ing shall not prevent collection of such in any other manner herein provided.

Approved February 13, 1889.

No. 258.] AN ACT [s. 297

To authorize the corporate authorities of the town of New Decatur in the county of Morgan, to negotiate a loan for the improvement of the streets and of the sanitary condition of the said town, and to issue bonds for the payment of said loan.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the coiporate authorities 'of the town of New Decatur, in the county of Morgan, be and they are hereby authorized and empowered to borrow and expend a sum not exceeding seventy-five thousand dollars, for the purpose of, and to be expended and applied exclusively to the improvement of the streets and of the sanitary condition of the said town.

May borrow money.

SEC. 2. Be it further enacted. That in payment of said sum the said corporate authorities be and they are hereby authorized to issue the bonds of the said town of New Decatur in the name of said town, which shall be known and styled "Improvement and Sanitary Bonds," and which shall be negotiable, made payable to bearer, transferable by delivery, and in. all things governed by the commercial law. The said bonds shall not mature at a longer period than thirty years, and therein shall be reserved to the said town the privilege of paying or redeeming the same at any time after the expiration of ten years from tlie date thereof. The saids bonds may be issued in different series of one hundred dollars, five hundred dollars, and one thousand dollars, and shall bear interest at a rate not exceeding eight per cent. per annum, payable semi-annually, and each bond shall have coupons for the payment of such semi-annual interest attached. The said bonds and coupons shall be payable at such place within or without the State of Alabama, as may be directed by the corporate authorities; and the said bonds must be under the corporate seal of the said

Bonds.

town, signed by the intendant, or mayor, and countersigned by the clerk, and the coupons must have the lithographed signature of the clerk attached. A registry of said bonds must be kept in the Exchange Bank of New Decatnr, or the first National Bank of Decatur, and on issue each bond must be registered and a certificate of the registry thereon indorsed by the cashier of the bank, in which such registry is kept. Registry of.

SEC. 3. Be it further enacted. That the said bonds and coupons shall have priority of payment over any and all bonds issued or debts contracted by the said town of New Decatur, from and after the issue thereof, and to pay the said coupons and bonds as they mature, it is the duty of the corporate authorities of the said town to set apart from the revenues of said town annually an amount as a sinking fund, and to keep the same to meet and pay off the principal of said bonds and the coupons as they respectively mature, and the said coupons or bonds shall be receivable in payment of all taxes imposed by, or debts due to said town. How to be paid.

Sec. 4. Be it further enacted. That the said bonds must not be sold or negotiated for less than the full value thereof. All moneys derived from the sale of said bonds must be kept separate from the other moneys or funds of said town, and must be applied exclusively to the purpose herein expressed, that is to say : the improvement of the streets and sanitary condition of said town. How money to be expended.

Approved February 13, 1889.

No. 259.] AN ACT [H. B. 552

To authorize the commissioners court of Perry county to establish or abolish districts in said county in which stock may be prevented from running at large.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners' court of Perry county may establish districts in said county in which stock shall not be permitted to run at large, or they Stock districts.

may abolish such districts heretofore or hereafter established.

SEC. 2. Be it further enacted, That whenever any ten freeholders petition said court in writing, stating that they desire an order made establishing a district wherein stock shall not be allowed to run at large, fully describing such district, and stating that petitioners reside in such district, or if petition is to abolish such a district, or portion thereof, heretofore or hereafter established, the petition must describe the district clearly, and state that petitioners reside therein. In either case the petition must be filed with the probate judge thirty days before the next term of the commissioners' court, and he must cause a notice of said application to be posted at the court house, and copies thereof to be posted in three public places in the district described in the application; Provided, that when a newspaper is published in the county, at least one notice of the application shall be given in such paper of the day of hearing such application.

Petitions.

SEC. 3. Be it further enacted, That said court of commissioners must, if such petition or application is filed thirty days before the term commences, and such notices are posted and publication made as above provided, hear the petitioners, and any person that may be opposed thereto, and must make an order granting or refusing such petition in whole or in part, and such order must clearly describe the district therein established or abolished, and must go into effect thirty days after it is made ; Provided, that in the hearing of any application for the establishment or abolishing of any stock district in said county, the court of county commissioners may in their discretion hear and receive evidence as to the propriety or necessity of such establishment or abolishing of any stock district from the owners of any lands within or adjoining such established or proposed stock district. If such order abolishes a district, or a portion thereof, heretofore or hereafter established, such order shall operate as a repeal of the order or law establishing such district, or portion thereof, abolished by such order. If such order establishes a district in which stock are not allowed to run at large, the owner of any stock running

Duty of commiss'ners court

at large in such district shall be liable to the party injured for his damages done by said stock to any lands, crops, fruit trees, shrubbery or other property in said district. In all cases, however, whether in the establishment or abolishment of such district the court shall have the power, and it shall be its duty to require that fences shall be constructed or dispensed with along such line as they deem necessary in, around, about or along such district, so established or abolished.

SEC. 4. Be it further enacted. That whenever any damage has been done to any property in any of said districts by stock running at large in violation of the provisions of this act, the person whose property has been damaged may, within ten days after such damage was done, make complaint against the owner of the stock doing the damage to a justice of the peace, or notary public ex officio justice of the peace of the precinct in which such damage was done, or if there be no justice of the peace or notary public ex officio justice of the peace of the precinct in which the damage was done, or they be incompetent to act, then to a justice of the peace or notary public ex officio justice of the peace in any adjoining precinct, describing the property damaged, and the stock doing the damage ; and whenever such complaint is made, the justice of the peace or notary public ex officio justice of the peace, shall issue notice to the owner of such stock, commanding him to appear and answer such complaint, on a day not less than five nor more than ten days from the issuance of such complaint. Said justice of the peace, or notary public ex officio justice of the peace, shall also issue notice to three disinterested freeholders to be selected by him, commanding them to assess and report to him on the day on which the owner is required to answer said complaint, on their oaths the amount of damages the complainant has sustained, which report shall be evidence in the trial of the cause, and if the owner of said stock appears on the day he is commanded to appear and answer such complaint, the justice of the peace, or notary public ex officio justice of the peace, shall try such cause and render such judgment therein as the justice and equity of the case shall demand ; but if the owner of stock does not appear and answer,

Proceedings to recover damages.

the justice of the peace, or notary public ex officio justice of the peace, shall give judgment for the complainant for such damages as he may have sustained, and if judgment be rendered for the complainant, the justice of the peace or notary public ex officio justice of the peace, shall also render judgment condemning the stock doing the damage to be sold for the satisfaction of such judgment, and the costs of the suit, and shall isssue execution on such judgment, commanding any constable of the county to levy on and sell such stock, describing them in the execution for the satisfaction of such judgment and costs. Should the three said freeholders fail to assess and report said damages, then they or either of them, may be fined by the justice of the peace or notary public ex officio justice of the peace, not less than one nor more than five dollars and costs, for which execution may issue in favor of the complainant, unless said freeholders shall have a good excuse, to be determined by the justice for so failing.

Stock liable for damages.

SEC. 5. Be it further enacted, That the owner or manager of any stock who shall knowingly suffer such stock to run at large, in violation of the provisions of this act, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than one nor more than twenty-five dollars ; Provided, that justices of the peace and notaries public ex officio justices of the peace, shall have jurisdiction of all offenses under this section, and that all prosecutions for said offense shall be commenced within twenty days after the commission of the offense, and that the party injured by the stock, or his agent, shall alone have the right to institute such prosecution.

Penalty.

SEC. 6. Be it further enacted, That either party shall have the right to appeal from the judgment of the justice of the peace or notary public ex officio justice of the peace in such causes.

SEC. 7. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 15, 1889.

No. 260.] AN ACT [H. B. 236

To amend an act entitled an act to create a separate school district in Jackson county, to be known as Pleasant Grove, out of a part of township 5, range 6, east.

SECTION 1. Be it enacted ty the General Assembly of Alabama, That an act entitled an act to create a separate school district in Jackson county to be known as Pleasant Grove; out of a part of township 5, range 6, east, be amended so as to read as follows : That all of township 5, range 6, lying south of the Tennessee river in Jackson county, Alabama, be, and the same is hereby made a separate school district, to be known as the school district of Pleasant Grove. School district.

SEC. 2. Be it further enacted, That to carry out the purposes of said school district Edward R. Chatton, John W. Downey and W. A. Tanner, are hereby appointed trustees in and for said school district, until the first Monday in August, 1891, at which time, and every two years thereafter, the county superintendent of education shall appoint three trustees, residing in the said district, who are well qualified to make good and acceptable trustees, and none but a parent or guardian shall be eligible to said office. The said trustees, before entering upon the duties of said office, shall take an oath faithfully to discharge the duties of the same, and shall give bond and security in such sum as sliall be prescribed by the county superintendent of education, payable to said township, which sum shall not be less than double the amount that will probably be in the hands of said trustees, at any one time, and to be conditioned faithfully to discharge the duties of said office and to pay over to the person authorized by law to receive the same, all moneys coming into their hands as such trustees and belonging to the said school district or to the remaining part of said township 5, range 6 ; said bonds to be approved by the county superintendent of education, and the judge of probate (and a copy thereof filed in the office of said judge of probate), and a certified copy thereof filed in the office of the superintendent of education for the State in Montgomery. In case of a vacancy in said board of trustees the remaining members thereof shall proceed to fill said Trustees. Eligibility. Bond.

vacancy by appointment to fill out the unexpired term. Said trustees shall be exempt from poll and road duty.

Pow'rs and duties of trustees.

SEC. 3. Be it further enacted, That said board of trustees shall have power to sue and be sued, to purchase and receive both real and personal property to themselves and their successors for school purposes in behalf of said school district. They shall control the disposition of all funds, which may be raised for said district. The said board of trustees, together with the township superintendent, are authorized to rent or lease that part of the fifteenth section with its ferry lying within the limits of the said school district in any way that will be most profitable or beneficial to the district and the fractional or remaining portion of said township 5, range 6, but at least thirty days notice of the time and place, with the terms of the leasing or renting of the same, or any part thereof, shall be given by posting notices at not less than three public places in the neighborhood. The said board of trustees and township superintendent shall be empowered to declare all contracts for lease or rent forfeited when the terms thereof are not complied with according to the contract, and to re-lease or rent the same, and to transact any and all business that trustees may of right do, for the successful management of the sixteenth section and its farm not in conflict with the laws of the State or of the United States.

SEC. 4. Be it further enacted, That as soon as practicable after the passage of this act, the said persons herein before named, or a majority thereof, shall proceed to organize, by electing one of their number president of the board and some suitable person, either a member of the board or not, secretary of the board, and a treasurer of the school district; Provided, however, that the secretary and the treasurer may be one and the same person, if the board shall so elect.

Secretary and treasurer.

SEC. 5. Be it further enacted, That the term of office of the secretary and treasurer shall be the same as the trustees herein above named, but they may be removed by the board of trustees at any time for cause or incompetency. The board shall require of the treasurer elected by them a bond with security in such amount as may be fixed by them, but in no case less than double the amount of funds that will probably be in his hands at any one time belonging to the school district and fractional town-

ship, conditioned to safely keep and disburse according to law, all moneys that may come into his hands as treasurer of said school district, which bond must be payabe to said scliool district and approved by the president of the board and filed with him and a certified copy thereof be filed in the office of the State superintendent of education of Alabama. The board may at any time they see proper require a new or additional bond with other or additional sureties and for a different amount. The treasurer may receive such compensation as may be fixed by said board of trustees for services rendered by him.

Funds for district.

SEC. 6. Be it further enacted, That whenever the said board shall be organized in accordance with the provisions of this act, the said school district shall be entitled to receive its per capita share of educational funds raised or appropriated by the State for public schools, and to receive all poll tax paid by the tax payers living within the limits of the district, and also to receive its pro-rata share of the rental income accruing from the renting or leasing of the 16th section belonging to said township 5, range 6, (said school district being a part thereof), all of which as now provided by law shall bo used exclusively for the maintenance of free public schools within said district. The rental income of the part of 16th section lying within the limits of the said school district, and all other funds for said school district, shall be paid to the treasurer of the district, who shall receipt for the same, and the superintendent of education of the State shall give all necessary orders and instructions to secure payment to such school district of all funds to which it may be entitled from the State or from poll tax. And it shall be the duty of the tax assessor to note each poll assessed by him in that portion of township 5, range 6, lying south of the Tennessee river as belonging to said school district, and it is hereby made the duty of the tax collector to .report all of said polls collected by him to the State superintendent of education, to be by him apportioned and paid to said school district. The treasurer of said school district shall collect all of the rents and of the part of section 16th, lying in the school district, and all other moneys that may in any way accrue to said school district, and shall receipt for the same. He shall also pay to

Duties of assessor and collector.

Treasurer of district.

the teachers employed in said school district the proportionate share of the rental income accruing to said school district, together with the poll tax and all other funds that may in anyway accrue to said school district, as soon as collected by him, upon the order of the trustees, and take receipt for the same. He shall also pay over to the township superintendents of said township 5, range 6, or to the county superintendent of education in case the said township superintendents are not competent to receive and receipt for the same, all the proportionate share of the said remaining part of the township in said rents, income, etc., accruing from the 16th section, and to which said remaining portion of township 5, range 6, are entitled, and take receipts for the same.

SEC. 7. Be it further enacted, That said board of trustees may meet at such time and place within said district as they may designate for the purpose of transacting any business in and for said distaict, and it shall be their duty at their first regular meeting after the passage of this act, or as soon thereafter as practicable, to designate one of their number who shall, in connection with one of the township trustees of the remaining part of township 5, range 6, to be selected by the township trustees, or in case of neglect or failure of the said township superintendent to arrange for one of their number to act in connection with the member of the board designated, then the county superintendent of education shall designate one of the township superintendents, whose duty it shall be to proceed in connection with said designated trustee of said school district to take an enumeration of all the children, both white and colored, male and female, between the ages of seven and twenty-one years, residing in the said school district, and the remaining part of township 5, range 6, and to make a report in triplicate under their official oath; said report to contain a correct enumeration of the number of children in the school district, and also a correct enumeration of the number within the remaining part of said township who are within the school age, and said enumeration shall be the basis of pro-rating the funds of the township to the school district, and the remainder of said township, one copy thereof to be filed with the

Duties of trustees.

county superintendent of education, and a copy with the president of the board of trustees, and one with the township superintendents for the remaining portion of township 5, range 6 ; and every two years from August, 1889, they, or their successors, shall make an enumeration in like manner, of all children within the school age, within the said school district, and fractional township during the month of August, and it shall be the duty of the treasurer of said school district to pay them one dollar per diem for said services out of any money in his hands belonging to the school district and fractional part of the said township arising from rents of the 16th section.

SEC. 8. Be it further enacted, That said trustees, and treasurer, shall take the oath prescribed by law for officers in this State, which may be administered by the president of the board, or any member thereof. Oath of office.

SEC. 9. Be it further enacted, That said trustees shall have power to admit any pupils not living in the district upon such terms as may be agreed upon, or to transfer pupils from the district to other public schools outside of the district, in the same manner, but they shall not be compelled to establish more than one school for each race in said district unless in their judgment the same shall become necessary.

SEC. 10. Be it further enacted, That the said trustees require to be made out and furnish to the superintendent all such reports as may be required by law or demanded by him.

SEC. 11. Be it further enacted, That the trustees of said school district shall receive no compensation for their services ay such trustees.

SEC. 12. Be it further enacted, That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 15, 1889.

No. 261.] AN ACT [H. B. 226

To provide for the election of county superintendents of education.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county superintendents of education shall be elected, at the general election, on the first Monday in August, 1890, and at the general election every two years thereafter, in the same manner as other county officers are elected, and their term of office shall begin on the first day of October, 1890, and they shall hold said office and perform all the duties thereof under the laws governing public schools. And the superintendent of education shall fill said offices by appointment when vacancies occur, until said first day of October, 1890, and shall thereafter fill said offices by appointment when vacancies occur; Provided, that the provisions of this act shall not apply to the counties of Barbour, Cleburne, Choctaw, Dallas, Greene, Hale, Mobile, Perry, Sumter, Washington, Wilcox, Talladega, Chambers, Madison, Jefferson, Randolph, Pickens, Autauga, Montgomery, Lowndes, and Macon.

County superintendents of education to be elected.

Counties excepted.

SEC. 2. Be it further enacted, That all laws or parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 13, 1889.

No. 262.] AN ACT [H. B. 630

To lay off the county of Bullock into four commissioners districts.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county of Bullock be, and it is hereby laid off into four commissioners districts, as follows, to-wit: The first district shall be composed of beat number one, known as Midway beat, beat number two, known as Enon beat, and beat number five, known as Indian creek beat. The second district shall be composed of beat number three, known as Union Springs beat, beat number four, known as Ridgely

Four commissioner's districts

beat, and beat number twelve, known as Suspension beat. The third district shall be composed of beat number six, known as Perote beat, beat number seven, known as Thomasville beat, and beat number ten, known as Farriorville beat. The fourth district shall be composed of beat number eight, known as Greenwood beat, beat number nine, known as Bruceville beat, and beat number eleven, known as Union church beat.

Section 2. Be it further enacted, That the qualified voters of said Bullock county shall elect one commissioner for each district, whose term of service shall commence at the expiration of the terms of the present incumbents, and said commissioners shall reside in the district for which they are severally elected. One comm'r from each district.

SEC. 3. Be it further enacted, That each commissioner shall be elected by the voters of the district in which he may reside, and no voters shall vote for but one person for commissioner, and only for persons who reside in the district in which the voter resides. How elected.

Sec. 4. Be it further enacted, That all laws in conflict with this act be, and the same are hereby repealed.

Approved February 13, 1889.

No. 263.] AN ACT [H. B. 287

To amend an act entitled an act to change the manner of appointing overseers and apportioners of roads in the county of Russell, the provisions of which were extended to Jackson county, approved January 18th, 1858, and the act amendatory thereto, approved January 23rd, 1860, entitled an act to repeal and amend the road law in Jackson county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That ac act entitled an act to change the manner of appointing overseers and apportioners of roads in the county of Russell, approved January 18th, 1858, the provisions of which were extended to Jackson county, and the act amendatory thereto, approved Working public roads.

January 23rd, 1860, entitled an act to repeal and amend the road law in Jackson county, be so amended as to read as follows: That hereafter it shall be the duty of the justices of the peace in Jackson county to meet on the second Monday in March next, and every two years thereafter, in their respective beats, and appoint overseers for the different precincts of road in districts, and apportion all hands liable to road duty to the different overseers by them appointed, in such manner as to them may seem just and right. The justices of the peace shall also have power, and it shall be their duty, to alter or divide their road divisions, or create new precincts in their districts whenever they deem it necessary, but no division or precinct shall be more than five miles in length.

Duties of justices of peace.

SEC. 2. Be it further enacted, That the justices of the peace in each district shall write out a commission for each overseer by them appointed, which shall be accompanied by a list of the hands apportioned to him, a copy of which commission and list of hands shall be delivered to the overseer for whose division it was made out, and it shall be the duty of the constable of the beat to deliver the same to the overseer for whom it was made, either by serving notice upon him, or by leaving a copy thereof at his usual place of residence, within ten days after the same shall have come into his hands; and said constable shall return the original commission to the office of the judge of probate, who shall file the same in his office. It shall be the duty of said justices to fill all vacancies aa they occur. They shall also make out and return to the judge of probate, within twenty days after the appointment, a list of such appointments, which list shall be kept by him for the inspection of the grand jury. It shall be the duty of the justice of the peace and constable in any beat to perform all such services as are herein required for their own beats, in any adjoining beats when requested to do so by any citizen of said adjoining beat, where there is no justice of the peace or constable.

And of constable.

SEC. 3. Be it further enacted, That it shall be the duty of the commissioners court of said county of Jackson to allow said justices and constables a fair compensation for services rendered under this act.

Compensation.

SEC. 4. Be by further enacted, That all laws in force against defaulters be continued in full force in the said county of Jackson, and that no compensation for ex-officio services, so far as the public roads are concerned, shall be allowed to the sheriff or probate judge of said county.

SEC. 5. Be it further enacted, That this act shall not be so construed as to affect the liability of any person to road service in any way imposed by law as to person or property, but that the same shall be continued in full force and effect.

Approved February 16, 1889.

No. 264] AN ACT [H. B. 482

To require the county commissioners of Conecuh county to procure printed blank forms of certain conveyances and printed blank record books in conformity therewith, for the use of and distribution by the probate judge of said county, and to regulate the fees for recording the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the county commissioners of Conecuh county, to procure at the expense of the county, suitable printed blank forms of deeds, mortgages, and crop liens, leaving to be filled in, as far as practicable, only such matter as cannot be made of general application, such as dates, names, description of property, &c., which shall conform, in all respects, to similar printed blank forms, in suitably bound record book, to be procured also at the expense of the county and kept in the office of the probate judge, for recording the same. Duty of county commissioners

SEC. 2. Be it further enacted, That upon the application of any citizen of the county, desiring to execute, or to have executed and recorded, a conveyance in conformity with said forms, the probate judge shall issue free of charge, one or more of said forms, not exceeding in his judgment the number required for the use of said applicant. Duties of judge of probate.

SEC. 3. Be it further enacted, That the fees to be

Fees. charged for recording conveyances executed with the use of such printed blank forms, shall be twenty-five cents each

SEC. 4. Be it further enacted, That nothing herein contained shall be so construed as to abolish the use of such printed blank forma and records as are now in use in said probate office, or to prevent said commis-missioners court from reimbursing the probate judge of said county for such amount as he may have actually paid out for such blank forms or record books.

Approved February 16, 1889.

No. 265.] AN ACT [H. B. 277½

To prevent horses, mules, asses, cows, hogs, sheep and goats from ruuuiug uncontrolled on crops in beat No. five and beat No. eight in Butler county, and to prescribe a rule of damages, and rules of protection in the trial of cases under this act.

SECTION 1. Be it enacted by the General Assembly of
Stock not to Alabama, That in the county of Butler, beat five (5)
run at large. and beat eight (8), it shall not be lawful for the owner of any horse, mule, goat or othel beast, voluntarily to permit such beast to go at large off the premises of such owner, and the owner of any such beast permitted thus to go at large, shall be liable to the person injured for all damages done to the land or crop of any person in said beat, to be recovered before any court
Owner liable of competent jurisdiction ; and the fact of such dam-
for damages. age shall create a lien on the beast or beasts which commit the same from the time the damage was committed ; Provided, that the judgment of such court shall fix the amount of such damage of lien, and that if no suit therefor is begun within ten days from the time the damage was committed, the lien for the same on the beast or beasts shall cease to exist.

SEC. 2. Be it further enacted, That any person in siad county, who is the owner or lawfully in possession
Stock can be of any land, or his agent, shall have the right to take
taken up. possession of any beast, if found at large or uncontrolled on the premises of such person, and when so

taken up, the person taking up such beast shall forthwith notify personally, or by leaving a written notice at the usual place of residence of the owner of such beast or his agent, if the owner ia made known to the taker-up, who must exercise due diligence in ascertaining the owner of such beast. If the owner shall fail or refuse to satisfy the taker-up for the damages done by such beast, the taker-up may proceed against the owner for the damages as provided in section 1 of this act, and if the owner shall fail to pay the charges for the taking up and keeping of such beast within five (5) days after he has notice of the taking up, then the taker-up may bring suit before the nearest justice of the peace or other court of competent jurisdiction and recover the amount of such charges, together with costs, and may also include in such suit, the damages done to the land and crop, and at the trial of such suit, which shall proceed under the same rules and regulations as other civil causes, the judgment rendered, if in favor of the taker-up, shall be enforced by a sale of the beast or beasts so taken up, after advertisement by the justice of the peace who tries the cause, for tens days, in three places as public as possible in the beat in which the cause is tried, which notice of advertisement shall be in writing. The sale must be made for cash and must be made at the usual place for voting in said beat.

Stock to be sold for damages.

SEC. 3. Be it further enacted, That if the owner of the stock doing the damage is not known or not made known to the taker-up, then he shall report the taking up and a description of the beast or beasts to the nearest justice of the peace, within twenty-four hours after the taking up, and make affidavit that the owner is not known and that he has not been able to ascertain the name of the owner after diligent inquiry, and the affidavit shall also contain a short and clear description of the beast or beasts, and that it or they were taken up on the premises of which the affiant was in possession, or for which he was agent; and on the filing of such affidavit the same proceeding shall be had as in case of estrays, under the existing laws of the State, except that no bond shall be given, as is now provided in such laws, but the taker-up shall be liable for any willful neglect or injurious treatment, or any

Duty of taker-up when owner is unknown.

conversion which may cause a loss of the beast or beasts so taken up ; and the provisions of this section shall apply to all estrays in the county of Butler, except such parts of said county as are excepted from the benefits of this act.

Fees.

SEC. 4. Be it further enacted, That for the taking up and keeping, the following fees shall be allowed in cases where the owner is known, for the benefit of the taker-up, viz : For taking; up each horse, mule or ass, forty cents; for taking up each beast of the cow kind, twenty-five cents ; for taking; up each hog, sheep or goat, fifteen cents ; and one-half of such fees for each subsequent day each of such beasts is kept by the taker-up, and the justice of the peace shall be entitled to twenty-five cents for the notice of sale, and ten per cent. commission on the proceeds of sale.

Duties of justices of peace.

SEC. 5. Be it further enacted, That judgment may be rendered by justices of the peace for amounts within their jurisdiction on ten days notice to defendants, and execution may issue thereon after five days from the rendition ; and the justice of the peace of the beat where damages are done by any beast, or where the fees for taking up and keeping such beast are incurred, shall also have jurisdiction in such cases, notwithstanding the defendant may dwell in another beat or another county, and for any amount not exceeding fifty dollars. Provided, that when there is no justice of the peace dwelling in such beat, or where he is disqualified by interest, or any other lawful cause, then any justice of the peace in the county has jurisdiction of such cases in accordance with the provisions of this act.

Appeals.

SEC. 6. Be it further enacted, ïhat the right of appeal shall be had in all cases, as in other civil causes.

Beasts not owned in territory.

SEC. 7. Be it further enacted, That the provisions of this act shall not be so construed as to allow the beasts of any person not dwelling within the territory covered by the provisions of this act, to go at large within the said territory.

Lawful fence around beats.

SEC. 8. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and same are hereby repealed so far as the same apply to said beat No. five and beat eight (8) in said county of Butler ; Provided, this act shall not take effect until after the citizens living in said beats 5 and

8 shall have erected a lawful fence around said beats 5 and 8, and that the provisions of this act shall not continue in force when the citizens of said beats fail to keep in good repair said line fence.

Approved February 18, 1889.

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No. 266.] AN ACT [H. B. 215

To repeal an act entitled an act to change the apportioning of hands on roads in Tallapoosa county, approved March 1st, 1870.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to change the apportioning of hands on roads in Tallapoosa county, approved March 1st, 1870, be and the same is hereby repealed.

Act relating to road hands repealed.

Approved February 16, 1889.

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No. 267.] AN ACT [H. B. 147

To repeal section four of an act entitled an act to provide for the election and regulation of justices of the peace and constables in that part of the county of Mobile which was included within the corporate boundaries of the city of Mobile as the same was formerly incorporated, approved February 12, 1885.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section four of an act entitled an act to provide for the election and regulation of justices of the peace and constables, in that part of the county of Mobile, which was included within the corporate boundaries of the city of Mobile, as the same was formerly incorporated, approved February 12, 1885, be and the same is hereby repealed.

Relating to justices and constables in Mobile.

Approved February 15, 1889.

No. 268.1 AN ACT [H. B. 230

For the relief of State witnesses in Clarke county, in cases where the State fails.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act
To pay State witnesses. the county commissioners of Clarke county shall have authority to appropriate annually out of the general fund of said county, whenever in their judgment it can be done without embarrassment to said fund, a sum not to exceed one thousand dollars, said sum to be used exclusively for the payment of State witnesses in cases where the State failed ; Provided, that no claim which shall have accrued prior to the first annual appropriation, made under the provisions of this act, shall be paid out of said appropriation.

SEC. 2. Be it further enacted, That all laws and parts of laws not in conflict with the provisions ot this act are hereby repealed.

Approved February 15, 1889.

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No. 269.] AN ACT [H. B. 422

To authorize the tax assessor of Barbour county to keep his book at Eufaula.

SECTION 1. Be it enacted, by the General Assembly of
Books, etc. ; of tax assessor of Barbour. Alabama, That the tax assessor of Barbour county is hereby authorized to keep the assessor's book, assessment sheets, land book and poll lists, of said county at Eufaula, in said county, but is required to produce his book at the sittings of the commissioners' court of said county at Clayton, in May, July and August, and at such other time as the said court may demand its production before them at Clayton.

Approved February 15, 1889.

No. 270.] AN ACT [H. B. 631

To incorporate the Noble Institute

SECTION 1. Be it enacted by the General Assembly of Alabama, That the right reverend E. H. Wilmer, D. D., as bishop of the Diocese of Alabama, and the reverend Phillip A. Fitts, as rector of Grace church, Anniston, and their successors in office, as such bishop and rector, Telfair Hodgson, Alfred L. Tyier, John W. Noble, S. E. Noble, and F. M. Hight, and their successors, be and they are hereby created a body corporate under the name and style of the Noble Institute, and by that name shall be and are hereby made able to have, purchase, receive, possess and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattles and effects of whatsoever kind, nature, or quality, in any amount the body corporate may deem necessary to carry all the objects of said corporation into full force and effect, and the same to sell, grant, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, in all courts of competent jurisdiction, and to make, use and have a common seal, and the same to break, alter and renew at pleasure.

Corporators.

Privileges.

SEC. 2. Be it further enacted, That said body corporate has power and authority, to establish and keep up an institution of learning in the city of Anniston, in the county of Calhoun, and the said corporators and their successors in office, shall be a board of trustees for the government of said institution ; said board of trustees shall have power to fill all vacancies that may occur in said board in such manner as they may provide.

Trustees; powers of.

SEC. 3. Be it further enacted, That said board of trustees shall have power to establish suitable by-laws for the government of said institution of learning, and the management of said corporation, and are hereby invested with all the power necessary to carry into effect the purposes of said corporation, and to that end may designate a course of study, to be pursued in said institute, employ and discharge teachers and other officers, prescribe the number and qualification of students, confer degrees, grant diplomas, and certifi-

cates of merit, and do and perform all acta that may be customary in institutions of learning in the United States.

Approved February 15,1889.

No. 271.] AN ACT [H. B. 461

For the relief of W. J. Mims, late tax collector of Jefferson county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the treasurer of the said county of Jef-
Relief of W. J. Mims. ferson be and he is hereby insteucted to examine the final settlement made W. P. Hickman, late treasurer of said county, with the said Mims, late tax collector as aforesaid, of the latter's accounts as such tax collector with the county for the year 1887, and if it shall appear upon such examination that the said Mims was allowed as commission only one half of one per. cent on the amount in excess of sixty thousand dollars that the said treasurer of said county shall ascertain the difference between commissions as allowed on said amount in excess of sixty thousand dollars, and commissions on said amount calculated at one and one half per. cent ; and that he will certify the amount of such difference to the judge of probate of said county ; and thereupon the said judge of probate shall draw his warrant upon the county treasurer for the amount of such difference so certified in favor of the said Mims, which the said treasurer shall pay to the said Mims.

Approved .February 18, 1889.

No. 272.] AN ACT [H. B. 322

To prohibit hunting or trapping of game or fish on lands of another in Elmore county and in Montgomery county, without the permission of the owner of the land or his or her agent.

SECTION 1. Be it enacted by the General Assembly of

Alabama, That it shall be unlawful for any person or persons to enter upon the lands of another in Elmore county and in Montgomery county for the purpose of hunting or trapping game or fish, without having first obtained the permission of the owner of said land, or his or her agent, or of the executor, administrator or guardian in charge or of their agent ; Provided, that the provisions of this act shall not apply to fishing in or hunting upon the Alabama river. Hunting and fishing.

SEC. 2. Be it further enacted, That any person who shall violate the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not less than ten nor more than fifty dollars. Penalty.

SEC. 3. Be it further enacted, That justices of the peace shall have jurisdiction of all cases arising under this act.

SEC. 4. Be it further enacted, That prosecutions under this act shall only be instituted on complaint of the owner of the land or his or her agent.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 15, 1889.

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No. 273.] AN ACT [H. B. 373

To authorize the court of county commissioners of Jefferson county to have made a book to contain all local and special laws relating to said county, and showing the different precinct lines, the commissioners districts, the public dirt roads, the railroads, streams, and such other matters and things of local interest and importance, as they may deem proper, in said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Jefferson county be and is hereby authorized to have made a book, to contain all local and special laws relating to said county, and showing the different precinct lines, the commissioners districts, the public dirt roads, the railroads and streams in said county, and Book authorized for Jefferson county.

such other matters and things of local interest and importance as they deem proper.

Officers entitled to book.

SEC. 2. Be it further enacted, That the said commissioners court shall deliver to the probate judge of said county, for such judge, the clerk of the circuit court, the clerk of the city court, the clerk of the criminal court, sheriff, register in chancery, tax assessor, tax collector, and each justice of the peace, in said county, one copy each, and four copies shall be kept in the commissioners court room for the use of said commissioners.

Expense of county.

SEC. 3. Be it further enacted, That said book shall be paid for out of the treasury of said county.

Copies can be sold.

SEC. 4. Be it further enacted, That said court of county commissioners may sell as many copies of said book, and at such price as they may see fit, and the proceeds arising from the same shall be turned over to the county treasurer and become a part of the funds of said county.

Approved February 15, 1889.

No. 274.] AN ACT [H. B. 311

To provide for the working, keeping up, repairing and improving the public roads, and opening and making new public roads in Madison county, and to create a board in said county to have general supervision of all public roads therein, for the working of which money is paid out of the county treasury.

Comm'rs have supervision of roads.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Madison county is invested with a general supervision of the public roads within said county, and may establish new, and change and discontinue old roads in the manner provided under the general laws of the State of Alabama.

Person liable to road duty.

SEC. 2. That all persons are liable to work on the public roads, except those exempted by the following section.

Exempt.

SEC. 3. All females and all male persons under the age of twenty-one years and over forty-five years of age, and all maimed or disabled persons who shall procure a

certificate of such disability from some licensed practicing physician are exempt from working on public roads.

What is not required.

SEC. 4. No person or hand is liable to work any public road, every part of which is distant more than six miles from his residence, or to work more than four days in any one year, not counting the days engaged in opening new roads.

Road precincts ; apportioners ; overseers, etc.

SEC. 5. For the purpose of keeping roads in repair, the court of county commissioners, at its first term in every second year, must divide the county into a convenient number of road precincts and must at the same court appoint three apportioners for each election precinct, which .ipportioiscrs shall forthwith proceed to appoint an overseer to each road precinct ; such overseer must be between the ages of twenty-one and forty-five years ; and the apportioners must return a list of overseers appointed by them to the probate judge of their county, within thirty days after their appointment, who shall issue commissions as prescribed by law.

Duty of judge of probate.

Two years.

SEC. 6. Apportioners and overseers must not serve longer than two years from the day of appointment.

In case of vacancy.

SEC. 7. On failure of tlie court to act, or in case of vacancy, the judge of probate must appoint apportioners who shall hold for the nnexpired terms.

SEC. 8. The apportioners must fill all vacancies in the office of overseer in their respective precincts.

Oath of apportioners.

SEC. 9. Apportioners, before entering on their duties, must take an oath faithfully to discharge their duties, to the best of their skill and judgment, without partiality or favor.

Establishing new roads.

SEC. 10. When a new road is established such road must be divided into precincts ; overseers appointed for each precinct who hold until the term fixed for the appointment of overseers for the county, and an order directed to such overseers issued by the judge of probate, directing the opening of the road through their precinct, which must be served by the sheriff and returned as hereinafter provided for the service and return of copies of appointment of overseers.

Duties of judge of probate.

SEC. 11. The judge of probate must within ten days after the appointment of overseers and apportioners furnish the sheriff with a copy of the order of appointment.

SEC. 12. The copy of the order appointing appor-

tioners must be accompanied with a statement, signed by the judge of probate, of the overseers on any road precinct within their election precinct, a description of such road precinct, with the names and grades of the road assigned to such overseer.

SEC. 13. The copy of the order appointing overseers must contain a description of his precinct and grade of the road, and be accompanied by a statement of the names of the apportioners of the election precinct or precincts through which any part of the road assigned to him passes.

Duties of sheriff.

SEC. 14. The sheriff must, within thirty days after the delivery to him of such copies and statements, deliver a copy of each to the apportioners and overseers, if practicable, and if not, leave the same at their residence, and return the original, with his endorsement of service, to the judge of probate.

SEC. 15. A service of the copy of such appointments and statements, although not made within the time prescribed, is valid from the time of service.

Excuses and resignations.

SEC. 16. Any person appointed apportioner, or overseer may send his excuse for not accepting, or after he has accepted, may resign his appointment to the judge of probate.

SEC. 17. Such excuse or resignation must be in writing stating the causes for not accepting, or the reason for resigning, and must be sworn to.

SEC. 18. Th e judge of probate, with the concurrence of the court of county commissioners, may pass upon the sufficiency of such excuse or resignation of any person for not accepting the appointment of overseer or of any person who may resign his commission as overseer of any road in the county.

Penalty for overseer neglecting to act.

SEC. 19. If the judge of probate and county commissioners shall consider insufficient any excuse made by any person appointed overseer of public roads for not accepting the appointment, or shall refuse to accept his resignation of the appointment, and such person thereafter neglects or refuses to act under such appointment, he shall be deemed guilty of a misdemeanor, and on conviction must be fined not less than twenty nor more than fifty dollars, said fine to be paid in lawful money of the United States, and appropriated to the road fund of the county.

SEC. 20. It is the duty of the apportioners—1. To

make a list of all persona and hands within their precincts, subject to work on public roads within fifteen days after being served with a copy of their appointment, and to correct such list from time to time as may be necessary during their term. Duties of apportioners.

2. Within twenty days after such service to apportion such persons and hands among the overseers, and portion of whose road is within their precinct, impartially, according to the portion of such road within their precinct, the grade of the same, and its importance to the public, and to change such apportionment from time to time as a due regard to the public interest may require.

3. To provide each overseer in the precinct within five days after snch apportionment with a correct list of the persons and hands apportioned to him.

4. To inspect from time to time the public roads within their precinct, notice the character of the repairs, and observe if such road is regularly posted and direction boards put up as required by law.

5. To appoint one of their number to attend court, and report to the grand jury any overseer who has, in any particular, failed to discharge his duty upon any road or portion of road within his precinct.

6. To see that all defaulters are prosecuted for not working.

7. To discharge the same duties in reference to bridges built under contract with the court of county commissioners and in reference to persons violating section 1456 of the Code, which are mentioned in the three subdivisions next preceding.

8. To report to the meeting of the board of supervisors at the regular meeting on the fourth Monday in October, the amount in their opinion necessary to be appropriated from the road fund for the purpose of keeping the roads in proper repair in their respective precincts.

SEC. 21. The apportioneers must apportion all persons and hands to work on the road nearest them, if it can be done with a due regard to the public interest.

SEC. 22. It is the duty of overseers of public roads—

1. On the apportioners failing to furnish a list of persons and hands, within the time prescribed, to apply for, and if possible obtain the same. Duties of overseers.

2. To call out the persons and hands subject to work on their road precinct, not earlier than the 15th day of

July, or later than the 15th day of September, and to work with the same four days in the year, on the road precinct, for which he is appointed.

3. To measure within three months after being notified of their appointment, their respective precincts in continuation and to set up at the end of each mile, neat and permanent mile posts marked with the number of miles to the court house or other noted place to which the road leads.

4. Where the road in their precinct forks or turns out or crosses another public road, to erect within the same index boards, with proper directions pointing towards the place to which such turnout, fork, or crossroad leads.

5. To build bridges and causeways, whenever the same are necessary, unless the court of county commissioners deem it expedient to have the same built by contract.

6. Where a space is left on the continuation of the same road between two precincts in Madison county, or on the county line in adjoining counties, to unite with the overseer on the other side of such space, and his hands, either in working such intermediate space or in building the bridges and causeways necessary to bring the two precincts together.

7. To report to the grand jury any apportioner in any election precinct in which his road, or any portion of the same is situated, who fails to discharge any of his duties.

8. To prosecute all defaulters for not working on roads as hereinafter provided.

9. To keep the ford of the stream in order, if deemed practicable by the apportioners of the precinct, when any bridge has fallen down or become dangerous.

10. When toll bridges on public roads are constructed across water courses, to keep open and in good condition the existing fords at such crossings, and the land entrance thereto on either side of the same.

11. To perform such other duties as are, or may be required of them by law.

Last apportionment of hands continues.

SEC. 23. In case no regular apportionment of hands is made, the overseer must act under the last apportionment; and in such case all persons and hands living within two miles of any portion of the precinct, and not apportioned elsewhere, are liable to work, on being warned by the overseer, as hereinafter provided.

SEC. 24. If no apportionment whatever has been made, or the overseer can not, on diligent inquiry, ascertain the same, all persons and hands living less than three miles from any portion of his precinct, and not apportioned elsewhere, are liable to work on being warned, as hereinafter provided. If no apportionment made

SEC. 25. The overseer may make contracts, subject to the approval of the court of county commissioners, for making and painting mile posts and direction boards, the account for which being verified by affidavit, and certified by the overseer, must be paid out of the county treasury. Accounts to be paid by county

SEC. 26. The overseers may also make contracts, subject to the approval of the court of county commissioners, with the owners of land for timber to build bridges and causeways, the account for which being verified by affidavit and certified by the overseer, must be paid out of the county treasury.

SEC. 27. If any other instruments than ordinary farming tools are necessary to keep the roads in repair, the overseer may receive them in exchange for the labor of hands, or he may apply to the court of county commissioners, which court may authorize him to contract for such, and to such amount, as in its discretion it thinks proper, and pay for the same out of the county treasury ; and the court of county commissioners may establish such rules and regulations for the proper care and custody of all tools purchased by the county, as they may deem proper and necessary.

SEC. 28. The mode of warning hands is for the overseer, or some other person appointed by him, to give five days' notice in person, or in writing to be left at the residence, to all persons liable to work, to meet at such time and place as the overseer of the road may appoint, and with such tools as he may direct. Mode of warning hands.

SEC. 29. The person serving the notice may be excused from work, at the discretion of the overseer, for all or any number of days that the hands may work on such warning. Person serving notice exempt.

SEC. 30. If any person has been warned to work on two roads at the same time, he must work on the one on which he was first warned, if residing within six miles of any portion of such precinct, and not apportioned to any other nearer to him. In case warn'd to work on two roads.

SEC. 31. Any person liable to perform road duty under this act, failing or refusing when legally notified, to

appear and work on the public roads, unless excused by the overseer for good cause shown, or by the payment of commutation money, as hereinafter specified, to be shown by exhibiting a receipt to the overseer from the proper officer, shall be guilty of a misdemeanor, and on conviction fined not less than one dollar nor more than three dollars for each day's default, and may be also imprisoned in the county jail for not longer than ten days; said fine to be paid in lawful money of the United States, and appropriated to the public road fund, and said fine and costs to be, paid as in other State cases; Provided, however, that at any time before default, said road service may be commuted at the option of persons liable to road duty, by the payment of three dollars in money for each year they are required to do road duty, said road tax to be paid to any acting justice of the peace, or notary public exercising jurisdiction of justice of the peace in the county.

Penalty for failure to appear and work.

Road service commuted for three dollars each year.

SEC. 32. All justices of the peace and notaries public exercising jurisdiction of justices of the peace, shall report to the county treasurer on oath, on or before the first day of the first term of each circuit court, the amount of road tax so collected by them, and after deducting ten per cent out of said money for collecting and paying over the same, shall pay the balance into the county treasury to the credit of the road fund therein ; and any of the officers above mentioned, failing to make said report, or to pay over any money so collected by them, shall be guilty of a misdemeanor, and on conviction fined not less than twice the amount so collected, nor more than two hundred dollars ; said fine to be paid in lawful money of the United States, and appropriated to the public road fund of the county.

Duties of justices and notaries.

Penalty.

SEC. 33. The overseer may excuse defaulters, on showing good excuse on oath, which may be administered by the overseer within five days after the default, and he must, at the expiration of that time, return on oath a list of defaulters, who are not excused, to any justice of the precinct through which said road, or any portion of the same passes; and must begin prosecutions against all defaulters, not later than thirty days after default.

Duties of overseers.

List of defaulters.

SEC. 34. Such list is presumptive evidence of the default against the person named therein, and should the county fail, the costs must be paid as in State cases.

List presumptive evidence.

SEC. 35. The overseers are authorized and empowered to serve all legitimate process that may be issued from the magistrates' courts in the precincts against defaulters, to work on such overseer's roads, and such overseers shall receive the same fees for such service as are allowed by law to constables for the same; but such overseers must only serve process where there is no constable in the precinct in which such process is issued by the magistrate. When overseer acts as constable.

SEC. 36. If any overseer fails to prosecute all defaulters as herein required, any justice of the precinct in which such overseer's road or any portion of the same is, must, on application of an apportioner of such precinct, or any person liable to work thereon, issue a summons to such overseer, requiring him, on a day named therein, to show cause why such defaulters were not prosecuted; and if the overseer, on such summons being personally served, fails to show cause, the justice must give judgment against him for as much as the fines against the defaulters would have amounted to, at three dollars a day for each defaulter, not exceeding the amount of fifty dollars; to be paid, when collected, into the county treasury, to be appropriated to the roads in the precinct where the overseer was appointed. Penalty if overseer fails to prosecute defaulters.

SEC. 37. No property owned by any defaulter or overseer failing to prosecute as required by law, shall be exempt from execution issued on a judgment founded on such default. No exemption from execution.

SEC. 38. For the further working, keeping up, repairing and improving the public roads of Madison county, the court of county commissioners of said county shall levy and collect a tax of not more than one-tenth of one per centum on the value of the taxable property of the county; such tax to be applied exclusively to the working, keeping up, repairing and improving of the public roads in said county; such levy to be included in and make a part of the one-half of one per centum now authorized by the constitution to be levied for general purposes, said fund to be kept separate and apart from other county funds to be paid out for purposes above set out, by the direction of the commissioners court and order of the judge of probate. Road tax.

SEC. 39. That for the purpose of providing for the proper expenditures of said road fund the court of county commissioners, as now organized, shall constitute a board Board of supervisors.

of supervisors, to have immediate and direct control, management, and supervision under the provisions of this act, of all work done on all roads in Madison county, for which money is paid out of the public treasury.

SEC. 40. Said board shall hold regular quarterly sessions at the office of the Judge of probate to commence respectively on the fourth (4th) Mondays of January, April, July and October, such meetings to continue from day to day until all business necessary to he transacted by the board is disposed of, said meetings to be held, organized and conducted, and all questions arising thereat, to be adjusted and settled as is now provided by law in reference to the court of county commissioners.

Quarterly meetings.

SEC. 41. Said board of road supervisors shall be allowed the same per diem and mileage as is now allowed them as commissioners and for parts of days per diem in proportion for all duties performed under this act.

Compensation .

SEC. 42. It shall be the duty of said board to divide the county into four road precincts, said precincts to be made with reference to equalizing the amount of work necessary to be done in each, taking into consideration the length of the roads and the character of the country over which they pass, one commissioner to be assigned to the control and management of each of said precincts.

Four road precincts.

SEC. 43. It shall be the duty of the members of the board, if they deem it necessary to visit the points recommended by the apportioners for the appropriations of money on or before the meeting of the board on the fourth Monday in October in each year, at which meeting they shall determine where and in what amounts the road fund shall be applied, and in all cases expenditures involving more than fifty dollars, mast be let out to the lowest bidder on plans and specifications furnished by the board, and the work to be approved by the precinct commissioner before the money is ordered paid.

When work to be let to lowest bidder.

SEC. 44. When any road apportioner or overseer shall have discharged the duties of his office for the term of two years continuously he shall be exempt from road duty for the two years following his term of office.

Two years service exempts.

SEC. 45. The funds derived from the fines collected from all defaulters under this act, and the commutation tax paid in lien of road duty, shall be appropriated to the working and keeping in repair of those portions of the

How funds to be expended.

public roads whereon the default occurred, and said commutation tax was collected.

SEC. 46. Whenever the court of county commissioners deem it advisable and expedient, they may work all persons convicted of misdemeanors in said county upon the public roads thereof and may make such rules and regulations, in reference to the working of such convicts, as they may deem necessary and proper. Misdemeanant maybe worked on roads.

SCE. 47. All laws and parts of laws inconsistent with the provisions of this act are hereby repealed.

Approved February 16, 1889.

No. 275.] AN ACT [H.B.20

To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors in all places in Jefferson, Walker, Talladega, Autauga and Fayette counties, except in incorporated towns and cities having police regulations.

SECTION 1. Be it enacted by the General Assembly of Alabama, That after the 31st day of December, 1889, it shall be unlawful for any person to sell, give away, or otherwise dispose of, any spirituous, vinous or malt liquors, intoxicating bitters or cordials, or fruits preserved in alcoholic liquors, in Jefferson, Walker, Talladega, Autauga and Fayette counties, except in incorporated towns and cities having police regulations both day and night. Liquor prohibition.

SEC. 2. Be it further enacted, That any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty, nor more than five hundred dollars, and may be also imprisoned in the county jail or sentenced to hard labor for the county, one or both, at the discretion of the court trying the same for not more than six months ; Provided, that nothing in this act contained shall be construed to authorize the sale of whisky in any county, precinct or district where the sale of whisky is now or may hereafter be prohibited. Penalty.

Approved February 16,1889.

No. 276.] AN ACT [H. B. 428

To repeal an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, so far as the same relates to Coffee and Ooosa counties.

SECTION 1. Be it enacted by the General assembly of Alabama, That an act entitled an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburue, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, be and the same is hereby repealed, so far as it relates to Coffee and Coosa counties.

Publication act repealed in Coffee & Coosa.

Approved February 13, 1889.

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No. 277.] AN ACT [H. B. 8

To authorize Nancy Hawkins, widow of James B. Hawkins, deceased, late of Coffee county, to sell certain lands lying and being in said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Mrs. Nancy Hawkins, widow of James B. Hawkins, deceased, late of Coffee county, be and she is hereby authorized to sell the following described lands belonging to the estate of James B. Hawkins, deceased, to-wit: the northeast quarter of the southwest quarter, and the west half of the southeast quarter of the southwest quarter of section twenty-one, and the northeast quarter of the northwest quarter of section twenty-eight, all in township six, range twenty, subject to the approval of the register of the chancery court of Coffee county, at Elba, Alabama.

Authority to sell lands.

Approved February 18, 1889.

No. 278.] AN ACT [H. B. 653

To incorporate the town of Alco, in the county of Escambia, and State of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the town of Alco, in the county of Escambia, and State of Alabama, be and the same is hereby incorporated, and the corporate limits of said town shall be as follows, to-wit: Commencing at the southwest corner of section thirty-two, (32), township two (2) of range ten (10), and running thence south one half of a mile to the southeast corner of the north east quarter of section six (6), township one (1), of range ten (10), thence west one half of a mile to the south west corner of the north east quarter of section six (6), township one (I) of range ten (10), thence north one and one half miles to the northwest corner of the northeast quarter of section thirty-one (31), township two (2), of range ten (10), thence east one half of a mile to the north east corner of section thirty-one (31), township two (2) of range (10), thence north one quarter of a mile to the northwest corner of the south half of the southwest quarter of section twenty-nine (29), township two (2) of range ten (10), thence east one half of a mile to the northeast corner of the south half of th e southwest quarter of section twenty-nine (29), township (2), of range ten (10), thence south one quarter of a mile to the northeast corner of the northwest quarter of section thirty-two (32), township two (2) of range ten (10), thence east one eighth of a mile to the northeast corner of the west half of the west halt' of the west half of northeast quarter of section thirty-two (32), township two (2) of range ten (10), thence south one half of a mile to the southeast corner of the west half of the west half of the northeast quarter of section thirty two (32), township two (2) of range ten (10), thence west one eighth of a mile to the northeast corner of the southwest quarter of section thirty-two (32), township two (2) of range ten (10), thence south one half of a mile to the southeast corner of the southwest quarter of section thirty-two (32), township two (2) of range ten (10), thence west one-half of a mile to the point of commencement. And the present and

Corporate limits.

future inhabitants of said town shall be and continue a body politic and corporate under the name and style of "The town of Alco," under and by which name and style the corporate authorities may sue and be sued, either in law or equity, and may purchase and hold property to the amount of twenty thousand dollars ($20,000.00), and do all acts incident to bodies corporate.

Name, etc.

SEC. 2. Be it further enacted, That the government of said town shall be styled mayor and council of Alco, and shall consist of a mayor and five councilmen, who shall be citizens and householders of said town, and shall serve for the term of one year, and until their successors are elected and qualified ; said officers to be elected by the qualified electors, who shall have resided in said town for three months next preceding the election, and before entering upon their official duties shall take an oath to support the constitution of the State, and the oath of office therein contained.

Mayor and councilmen.

SEC. 3. Be it further enacted, That the regular election for said officers shall be held annually on the first Monday in May, and shall be conducted by two or more qualified electors appointed by the mayor for that purpose, and said mayor, so elected, shall ex-officio be a justice of the peace, with jurisdiction concurrent with the circuit and county courts of said county, to try all misdemeanors committed within said corporate limits, and to have all the jurisdiction of notaries public in said county of Escambia, Alabama.

Election.

Powers.

The mayor and councilmen shall determine the legality of elections and declare who are the only elected officers, and in the case of a tie, shall determine who shall be mayor and councilmen ; but the corportion shall not be dissolved should there be no election as herein prescribed, in which case the mayor, with the consent of the councilmen, shall forthwith order an election to be held on some day within thirty days thereafter.

SEC. 4. Be it further enacted, That should a vacancy occur in the office of mayor or councilmen, such vacancy shall be filled by the remaining members of the board.

Vacancies.

SEC. 5. Be it further enacted, That the mayor and councilmen of said town shall have power—1st, to employ a clerk, who, in addition to his general duties,

shall assess the taxes, a marshal, who shall collect the taxes, also to employ counsel for advice, and for the prosecutions of offenders, and for the defense of all suits against said town. A treasurer, whose duty it shall be to receive, safely keep, and disburse the funds and money belonging to said town; 2nd, to determine the feesand salaries of officers; 3rd, to enact such laws and ordinances as may be necessary to maintain the powers herein granted; 4th, to prevent and remove nuisances at the cost of the person or persons causing them, or on whose premises they are found; 5th, to license, tax, regulate or restrain any or all shows or exhibitions, public concerts, amusements or other entertainments; 6th, to prohibit all disorderly houses, houses of ill fame, racing, prize fighting, cock fighting, gaming and gaming houses, within the limits of said town; 7th, to prevent and punish breaches of the peace and disorderly conduct, to define and punish vagrancy, and to punish all other misdemeanors known to the laws of the State; 8th, to establish night and day police; 9th, to prevent and punish all unlawful assemblies; 10th, to prevent and punish violations of the Sabbath, any disturbance or interference with public or private worship, to punish profane, abusive, insulting or obscene language, or indecent exposure of the person, or other improper exhibition; 11th, to prevent and punish wanton, willful or malicious mischief to houses, fences, fruit, shade or ornamental trees, animals or other property within the corporate limits of the town ; 12th, to keep in repair the public streets, side walks, alleys, avenues, bridges and wells of said town, to keep them free from obstruction, to widen and change their direction, to discontinue or close them when expedient, and to open new ones ; 13th, to regulate weights and measures, to erect public scales houses, to appoint public weighers and measurers, define their duties and fix their compensation; 14th, to prohibit any person or persons from selling, keeping for sale, giving away, or otherwise disposing of any spirituous, vinous or malt liquors, or other intoxicating beverages, or intoxicating bitters, or concoctions of any kind, within the corporate limits of said town ; 15th, to license .and tax billiard and pool tables, bowling alleys and peddlers ; 16lh, to prevent stock from running at large in the streets ; 17th, to punish by fine not exceeding one hun-

Pow'rs and duties of mayor and aldermen.

dred dollars and imprisonment or hard labor, or both, for not exceeding one hundred days, any breach or violation of the laws, ordinances, by-laws and regulations of said town, and to impose additional hard labor and imprisonment for non-payment of fines and costs not inconsistent with the laws of the State ; Provided, that in all cases wherein judgment shall have been rendered against any person, he shall be entitled to an appeal to the circuit court of Escambia county, Alabama, under the rules and regulations prescribed by the laws of the State for cases tried in the county court; and provided further, that in all cases of appeal from the mayor's court to the circuit court-where the defendant is convicted, the fine assessed against him in said court shall be collected in money and paid over to the treasurer of the town ; 18th, to enact such laws and ordinances as may be necessary to regulate and govern hiring the convicts of the town not inconsistent with the laws of the town, not inconsistent with the laws of the State ; 19th, to establish and regulate markets, and to rent out the stalls in the same, saving and reserving, however, an ample space therein for the use of the county people who may attend the same with marketable supplies, and to prohibit the selling of fresh meats, poultry, fish or game, except at the public markets ; 20th, to take care of, remove, preserve, designate and regulate all burying grounds within the town.

SEC. 6. Be it further enacted, That said corporation shall have power to levy on all property, real and personal, or mixed, within the corporate limits of the town, such taxes as may be necessary to defray the expenses of said corporation, not to exceed the rate prescribed by the constitution and laws of the State for municipal corporations, and to enforce the collection of the same according to the provisions of this act.

May levy taxers.

SEC. 7. Be it further enacted, That an assessment of all the property within the limits of the town, subject to taxation by the laws of the State, shall be made annually to the owner of said property, when known, otherwise to owner unknown, and upon failure or refusal of any person to give in his or her property when required to do so, the assessor shall and must proceed to assess the same from the best information he can obtain; the assessment when completed, must

Assessment & collection of taxes.

be returned to the mayor and councilmen, who shall cause ten days notice to be given by posting or by publication in a newspaper published in the town, of the time and place when corrections will be made; when corrections shall have been made as above provided the assessment must be marked approved. The assessment so approved, shall have the force and effect of a judgment and execution, and on failure, on the part of the owner of any property to pay said taxes, the marshal or person collecting taxes may collect the same by levy upon and sale of such property, or any other property, of any kind owned by such delinquent tax payer; Provided, that no property of any description shall be exempt from taxation by the town except such property as is exempt from taxation by the laws of the State; And provided further, That all sales of property under the provisions of this act, must be advertised by post- Sales for taxes.
ing or by publication in a newspaper published in the town, for fifteen days or more, which notice must contain a description of the property so levied upon, the name of the person to whom assessed, when known, and the amount of taxes for which it is to be sold; certificates of purchase must be given by the officer making sale of said property, similar in form to those given in sale of property for the collection of State and and county taxes, aud shall have the force and effect of transferring title thereto. The time and right of redemption of real property so sold, shall be the Redemption.
same as provided for by the laws of the State, and at the expiration of the time for the redemption of property sold, the mayor must, upon presentation of the certificate of purchase, execute a deed to the purchaser of said property in accordance with the laws of the State, in relation thereto, and shall be entitled to the same fees therefor, as provided in other cases.

SEC. 8. Be it further enacted, That all persona residing within the corporate limits of said town, who are liable to road duty, shall be liable and are hereby Working on
required to work on the streets and roads in said town streets.
not exceeding ten days in any one year; Provided, that all such persons shall be exempt from such duty by paying such street tax as the corporate authorities may impose, not exceeding five dollars in any one year, and all such persons exempt from road duty by the laws of

the State, are also exempt from road or street duty within the corporate limits of said town.

SEC. 9. Be it further enacted, That the mayor of said town of Alco, shall have jurisdiction of and power to try all violations of the laws, and by-laws and ordinances of said town, and jurisdiction concurrent with the county and circuit courts of all misdemeanors known to the laws of the State, committed within the corporate limits of said town, and shall have power to punish by fine or imprisonment all contempt of court or process, and in case of the absence of the mayor, or in case where he is related to the defendant or otherwise interested in the case, it shall be lawful for either one of the councilmen to act in the mayor's place.

Duties of mayor.

SEC. 10. Be it further enacted, That the marshal shall have the same power to arrest offenders, execute process and enforce the laws and ordinances of the town as sheriff's have, and shall be vested with the same authority in the discharge of his duties as is conferred upon sheriffs by the laws of the State. He shall also have power to arrest offenders for offenses committed in his presence, or for offenses which he has probable cause to believe were committed within the corporate limits of said town, and keep them in custody until trial, unless bail is given.

Duties of marshal.

SEC. 11. Be it further enacted, That in addition to the powers hereinbefore granted, the mayor and councilmen of said town shall have power to pass any laws and ordinances necessary for the peace, health and good government of the inhabitants of the town.

SEC. 12. Be it further enacted, That no prosecution, suit or claim whatever pending or to be brought under existing laws of said town shall in any manner be affected, impeded or altered by the passage of this act, and all the existing ordinances, by-laws and regulations of said town of Alco, adopted in pursuance of the original charter of said town, and not inconsistent with the provisions of this act, or the constitution and laws of the State of Alabama, shall be and remain in full force and effect as the by-laws and ordinances of said town until repealed, changed or modified by the mayor and councilmen under this act, and that the present officers of the said town of Alco shall be subjected to the provisions of this act in all things that

Effects of this act.

pertain to their official duties, and shall be vested with all the power and right conferred by this act during their term of office, and until their successors are elected and qualified.

SEC. 13. Be it further enacted, That before the mayor, treasurer and marslial of said town shall enter upon the discharge of their duties, each shall enter into bond with approved securities in the penal sum of five hundred dollars, conditioned to faithfully discharge the duties imposed upon them and payable to the common council of Alco, and to be approved by the mayor and council. Official bonds.

SEC. 14. Be it further enacted, That all laws and parts of laws in conflict with this act shall be inoperative against the provisions hereof.

Approved February 13, 1889.

No. 279.] AN ACT [H. B. 567

To require the probate judge of Clarke county to prepare and keep in his office a general, direct and reversed index of the records of all deeds, and mortgages of lands or any estate or interest therein, and to provide just compensation therefor.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the probate judge of Clarke county is hereby required to prepare and keep a general, direct and reversed index of the records in his office of all deeds and mortgages of lands or any estate or interest therein. Index in probate office.

SEC. 2. Be it further enacted, That upon making of such index, the probate judge shall be entitled for just compensation for his work, to be allowed by the court of county commissioners, out of any money in the county treasury, not otherwise appropriated ; Provided as to such deeds and mortgages, and as to all mortgages and liens filed after the making up such index, the judge of probate shall keep up such index without other compensation, therefor, than the fees allowed by law for recording such deeds, mortgages and liens. Compensation

Approved Febouary 13, 1889.

No. 280.] AN ACT [H. B. 380

To amend sections 20, 21, 22 and 26 of an act entitled an act to provide for the more efficient working of the public roads in Talladega county, approved December 9, 1886

SECTION 1. Be it enacted by the General Assembly of Alabama, That sections 20, 21, 22 and 26 of an act entitled an act to provide for the more efficient working of the public loads in Talladega county, approved December 9, 1886, be amended so as to read as follows : Section 20. That all male inhabitants over eighteen and under forty-five years of age, except such

Persons liable to road duty

as are permanently disabled from performing ordinary manual labor, and such as have but one arm or one leg, shall be liable to work on the public roads of said county, not exceeding six days in any one calendar year on one day's notice given by the overseer, or by a substitute appointed by such overseer, of the time and place to commence work ; Provided, that any hand

How to be exempted.

so notified may be exempted from work by sending an able bodied substitute, or by paying to the road commissioner of his district the sum of one dollar for each day he is so warned to work ; but such payment must be made either before being warned, or before the time for commencing work, and it shall be the duty of such road commissioner to give such road hands so paying a receipt therefor in duplicate, one of which shall be

Duty of overseer.

forthwith delivered by said road hand to his overseer ; and it shall be the duty of such overseer to at once, or as soon thereafter as practicable, hire a hand or hands to work out the time covered by such receipt, and when the time is so worked out to give such hired

Commissioner.

hands or hands an order on the commissioner for his pay; and it shall be the duty of such commissioner to pay such order out of the funds so by him received in commutation of work. Provided further, that when

Oath ; if false, perjury.

any hand apportioned to and warned to work shall claim exemption by reason of being under or over legal age, or for any other cause allowed by law, such overseer may require such person to take and subscribe an oath, to be administered by said overseer, or other person authorized to administer oaths, stating the

grounds or reasons for which such exemption is claimed, and any person who willfully and corruptly makes such oath shall be guilty perjury and punishable as provided by section 3907 of the Code of Alabama.

SEC. 2. Be it further enacted, That section 21 be so amended so as to read as follows : Section 21. That any person liable to road duty, who shall willfully fail or refuse, after legal notice, as provided by this act, to work on a public road, either in person, by substitute, or payment of the commutations as provided by section 20, without a sufficient excuse therefor, to be determined by the overseer, justice or jury trying the same, shall be guilty of a misdemeanor, and on conviction, shall be punished as provided by section 4126 of the Code of 1886 ; and all fines collected for such default shall be paid to the commissioner of the road district in which such default occurred, who shall apply the same to the hiring of hands or other expenditures for the road section on which default occurred ; Provided, that all defaults shall be primarily triable before a justice of the peace in the precinct of the residence of the defaulter ; if there be no justice in such precinct, or if he be disqualified from trying the same, then before a justice in any adjoining precinct.

Penalty.

Fines ; disposition of.

SEC. 3. Be it further enacted, That section twenty-two be so amended as to read as follows : Section 22. That the overseer shall in warning hands to work on the public roads, specify the kind of tools and teams the hand shall furnish ; but no hand shall be required to furnish any tools or teams unless he owns the same ; and that when a hand is warned to and furnishes a horse or mule and plow, he shall be allowed one day's credit on his time of working, for the use of such horse or mule and plow, or one dollar in money at his option ; and a like credit for a one horse wagon and team, or one dollar at his option, and for a two horse plow or wagon and team. a credit for two days work or two dollars, at his option, and where money is demanded the same shall be paid by the road commissioner on the certificate of the overseer given to the person entitled to the same, specifying the number of days and the service performed.

Tools & teams; how furnished.

SEC. 4. Be it further enacted, That section twenty-

six be amended so as to read as follows: Section 26.

Oath and duties of overseers.

That each overseer shall, before entering upon the duties of his office, be required to take and subscribe an oath, to be administered by the road commissioner, or any officer authorized to administer oaths, that he will faithfully discharge the duties of overseer to the best of his ability, and account for all property belonging to the county, that may come to his hands by virtue of his office, and that in warning and working hands he will do so without favor or partiality, which oath shall be filed in the office of the judge of probate of said county, and for the care of tools and other property belonging to the county, such overseer shall

Compensation.

be paid an amount to be determined by the court of county commissioners, not exceeding one dollar per day for the time he is actually employed in the working of roads or building or repairing bridges or culverts. The performance of their official duties under this act shall be deemed working on the public roads by road commissioners and overseers, but shall not operate as an exemption except while in office, and the court of county commissioners shall determine the pay for each road commissioner for services as such, but the same shall not exceed twenty-five per cent. of the money appropriated to his road district for any one year;

Who shall not be appointed overseer.

Provided, that no commissioner shall appoint any person, overseer who is related to him within the third degree of consangunity or affinity, and no person shall be eligible as overseer except persons liable to road duty except in cases wh re the commissioner shall find it impossible to secure the services of a person competent to act as such within the legal age, when he may appoint one who is over the legal age ; but when such appointment is made he shall report the same to the court of county commissioners at the next term, who may either approve or set aside the appointment, and if not approved, a new appointment shall be made by the road commissioner.

SEC. 5. Be it further enacted, That said section 20, 21, 22 and 26, as they appear in said act, approved December 9, 1886, be and and the same are hereby repealed.

Approved February 13, 1889.

No. 281.] AN ACT [H. B. 260

To authorize the court of county commissioner of Pike county to levy a special tax in any such stock district as is now established or that may hereafter be established within said county, for the purpose of building and maintaining line fences for such districts.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Pike county be and is hereby authorized to levy a special tax in any stock district as is now established or that may hereafter be established in said county sufficient and for the purpose of building a line fence between any such stock district and other parts of said county or other adjoining counties not included in any stock district.

Tax to build line fences in stock districts.

SEC. 2. Be it further enacted, That any such special tax as may be levied by the commissioners court of said county in any such stock district as is now established or that may be established hereafter shall be assessed and collected by the officers now authorized by law to assess and collect the State and county taxes of said county, and in the same manner and under the same laws now in force for the assessment and collection of special taxes in said county.

How assessed and collected.

SEC. 3. Be it further enacted, That the tax collector of said comity shall collect said special taxes as provided in the preceding sections, and shall pay the same over to the county treasurer of said county who shall hold the said funds and keep them separate from all other funds in his possession, and shall pay them out for the purpose set forth in section one of this act, under warrants issued by the commissioners court of said county.

Duties of collector and treasurer.

SEC. 4. Be it further enacted, That the commissioners court of said county shall have the power and authority to have constructed any such fences as are authorized by this act, under the same law, bridges and other public works are constructed.

Duties of comm iss'ners court

SEC. 5. Be it further enacted, That parties seeking to establish stock districts in said county after the passage of this act shall state in their application

whether or not they desire that the provisions of this act shall apply to such district.

SEC. 6. Belt further enacted, That the provisions of this act shall apply to stock districts established prior to the passage of this act; Provide, however, that application therefor be made by a majority of the qualified voters of said district to the court of comissioners of said county.

Approved February 13, 1889.

No. 282.] AN ACT H. B. 434

To amend section 4 of an act entitled an act to more effectually secure competent and well qualified jurors in the several counties of this State, etc., appproved February 28, 1887, so far as the same relates to the county of Pike.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 4 of an act regulating the drawing of jurors in certain counties of this State, so far as relates to the county of Pike, be amended so as to read as follows: That when said list is completed,

Manner of drawing grand and petit jurors in Pike county.

said commissioners must write the name of each person therein contained with his place of residence and occupation, if it appears from the list, on a separate piece of paper, and must fold or roll up such piece of paper as nearly as possible in the same manner, so that the name may not be visible and deposit the same in one of the fifteen boxes, there being one provided for the names of competent persons from each beat which must be secured by sufficient locks and seal. Said commissioners shall at their sessions hereinbefore provided proceed to draw one from each box in rotation till a grand jury is drawn for each regular term of any court to be held during the next ensuing year in Pike county for which a grand jury is required by law, not less than fifteen nor more than twenty-one persons for each of said grand juries, to be composed of such persons as are duly qualified to serve as grand jurors, and next, and in the same manner, the names of a requisite number of persons to serve as

petit jurors for each of said courts, allowing not more than thirty-six, nor less tlian thirty persons for each week of the terms prescribed by law, or if the term is unlimited for each week during which, in the opinion of the clerk of that court, a jury will be required, and the juries for each week shall be drawn separately and successively, and every piece of paper on which is written the name of the person so drawn must be destroyed.

Approved February 15,1889.

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No. 283.] AN ACT [s. 231

For the relief of Samuel J. Bolling and Warren R. Thagard, as the sureties on the official bond of Jonathan L. Powell, as judge of probate for Butler county, Alabama.

Whereas, Jonathan L. Powell was elected and qualified as the judge of probate for Butler county, Alabama, for the two terms beginning in 1874, and ending in 1886, and during said two terms, there has been ascertained by James A. Eeeves, the public examiner of accounts for the State of Alabama, defaults have been made in the office of the said Jonathan L. Powell, as such judge of probate, to the amount of six thousand, six hundred and fifty-four and 18-100 dollars, ($6,654.18-100) on account of the failure to have reported from said office of said J. L. Powell, as such probate judge, moneys received in said office for licenses, and the redemption of lands, during his said two terms, and,

Whereas, the said Jonathan L. Powell, for the most part intrusted the receipt and reporting and paying over these licenses and redemptions to his principal clerk, who is now dead, and for the most part during the last term in office, the said J. L. Powell was physically, and in large part mentally incapable of discharging the duties of his office, by reason of serious and protracted spells of sickness, and

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* This bill was vetoed by the Governor, ond then passed by the constitutional majority, February 21, 1889.

Whereas, the said J. L. Powell has been tried on an indictment for the embezzlement, or knowingly converting said revenue to his own use, in the circuit court of Butler county, and was fully acquitted on said trial, and

Whereas, the said J. L. Powell is hopelessly and totally insolvent, and the whole of this default must fall on Samuel J. Boiling and Warren R. Thagard, the sureties on his official bond, as such judge of probate, which will well nigh ruin them in financial point of view, therefore :

SECTION 1. Be it enacted by the General Assembly of Alabama, That upon the payment to the treasurer of the State of Alabama, by the said Samuel J. Boiling and Warren B. Thagard, within ninety days from the passage and approval of this act, of the full sum of six thousand six hundred and fifty-four and 18-100 dollars, the total amount of the default of the said J. L. Powell, as such probate judge of Butler county, Alabama, without interest, as ascertained by James A. Reeves, the examiner of public accounts for the State of Alabama, together with all costs in the circuit court of Butler county, Alabama, in the two cases of the State of Alabama vs. J. L. Powell, S. J. Boiling and W. B. Thagard for such defaults, that the said defaults, as also the judgments rendered therefor in the circuit court of Butler county, Alabama, at the fall term, 1888, be and the same shall be fully satisfied and settled, and the liability of the said S. J. Boiling and W. B. Thagard, be discharged and cease, so far as the State of Alabama is concerned.

Relief of sureties on bond from interest.

No. 284.] AN ACT [s. 100

To amend section 1319 of the Code, so far as the same relates to the town of Louisville, in Barbour county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1319 of the Code, so far as the same relates to the town of Louisville, in Barbour county, be amended so as to read as follows :

Section 1. Recommendation necessary to obtain license,

No license must be granted to sell vinous, spirituous, or malt liquors in the town of Louisville, in Barbour county, unless the applicant produce to the judge of probate of his county or the person authorized by law to grant such license, the recommendation of a majority of the freeholders residing within the corporate limits of said town. Requisites to obtain liquor license.

SEC. 2. Be it further enacted, That the person presenting the recommendation referred to in section 1, of this act, shall furnish satisfactory evidence to the judge of probate or other person authorized by law to grant such license, that the signatures to said recommendation are genuine, and that said signers are freeholders of said town of Louisville.

Approved February 15, 1889.

No. 285.] AN ACT [s. 245

To authorize and empower the court of county commissioners of Tallapoosa county to borrow money to complete the settlement of the bonded indebtedness of said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Tallapoosa county are hereby authorized and empowered to borrow money, not exceeding fifteen thousand ($15,000.00) dollars, to be used in the settlement of the outstanding indebtedness against said county, on account of subscriptions to the capital stock of the Savannah & Memphis Railroad Company, and money heretofore borrowed and used in the settlement of said claims, which money, when so borrowed, shall be used for no other purpose than the settlement of said claims. Authority to borrow money.

SEC. 2. Be it further enacted, That to secure the payment of any sum of money borrowed by said court of county commissioners of Tallapoosa county, under the provisions of the first section of this act, said commissioners court is authorized to issue the obligations of said county in such sums as may be desired, bearing not more than eight per cent. interest per annum, and separate obligations may be issued for the pay- Manner of securi'g and paying same.

merit of interest, payable semi-annually, said obligations to be issued only on the order of the said commissioners court, which shall not be sold, hypothecated or used for less than the face value thereof; said obligations to be signed by the probate judge and county treasurer of said county, which claims when issued, shall be a preferred claim against said county, and shall be receivable in payment of any taxes or other county dues to said county. The probate judge shall keep a record of every obligation issued under this act, with number, date, amount, when due and to whom issued, and said obligations when due, shall stand as and be a warrant on the county treasurer of said county, with any accrued interest thereon, and paid by the county treasurer out of any money in the treasury.

SEC. 3. That the court of county commissioners of said county, are authorized audit shall be their duty to levy, whenever it may be necessary, a special tax, not to exceed the rate authorized by the constitution and laws of Alabama, upon the assessed value of all the real and personal property subject to taxation in said county of Tallapoosa, to be collected as, and in the manner provided by law, for the collection of State and county taxes, and by the same officers, for the payment of said obligations issued under this act, as they may mature.

Special tax.

Approved February 15, 1889.

No. 286.] AN ACT [s. 266

To authorize the widow of James M. Bullock, deceased, to administer his estate in Mobile county upon a limited bond, and to confer jurisdiction upon the Mobile probate court for that purpose.

Whereas, James M. Bullock, of Greene county, died intestate in Mobile November 4th, 1888, leaving assets therein, and the larger part of his indebtedness is there owing, and his widow and only child desire to reside in the city of Mobile ;

And whereas, The estimated value of the estate of said decedent is large, and consists mainly of real

property, while the amount of indebtedness is supposed to be small.

SECTION 1. Be it enacted by the General Assembly of Alabama, That letters of administration on the estate of James M. Bullock, deceased, late of Greene county, may be granted by the probate court of Mobile county to his widow, Anna M. Bullock, if applied for within twenty days from the passage of this act, with bond and sureties in a penalty double the value of the personal property, and the two years rental value of the real property of said decedent; Provided, that if at any time during the administration of said estate, it appear that a larger bond is required for the protection of creditors or other parties in interest, said court shall have full power to increase the same, as may be necessary.

Bond of Administratrix estate James M. Bullock, dec'd.

SEC. 2. Be it further enacted, That full jurisdiction is hereby granted the probate courts of Mobile county over the administration of said estate upon and after such administration.

Approved February 15, 1889.

No. 287.] AN ACT [s. 287

To provide for the holding of a term of the circuit court of the fifth judicial circuit at Alexander City, in Tallapoosa county, and to regulate the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there shall be held a term of the circuit court of the fifth judicial circuit at Alexander City, in Tallapoosa county, commencing on the second Monday in February and August of each year, and shall continue one week.

Circuit court at Alexander City.

SEC. 2. Be it further enacted, That said court shall have jurisdiction to try and determine all civil causes in which the defendant, at the time of the commencement of the suit, is a resident citizen of the west side of the Tallapoosa river in Tallapoosa county, except in Daviston beat.

Jurisdiction.

SEC. 3. Be it further enacted. That all causes pend-

ing in the circuit court of Tallapoosa county, in which the defendant or defendants reside on the west side of Tallapoosa river in Tallapoosa county, except Davis-ton beat, which are undetermined at the Fall Term, 1889, of said court, shall be transferred from the dockets of said court to the dockets of said court to be held at Alexander City, and shall stand for trial at the first term of aaid court.

Courts to be transferred.

SEC. 4. Be it further enacted. That said court shall be presided over by the judge of the fifth judicial circuit, as is now provided by law in this State.

Presiding judge.

SEC. 5. Be it further enacted, That the clerk of the circuit court of Tallapoosa county shall, be ex-officio the clerk of said court, and he shall be required to procure and keep all necessary dockets and records for the use of said court, and that the dockets, records and papers pertaining to aaid court, shall be kept by him in the office of the circuit clerk at the county seat of said county, except when said court is in session at Alexander City, at which time and place he shall have said dockets, records, and all papers pertaining to said court, for the use and inspection of said court and its officers, and shall issue all process, and do and perform all acts pertaining to said court, as is now required of him as clerk of the circuit court of Tallapoosa county.

Duties of circuit clerk.

SEC. 6. Be it further enacted, That the sheriff of Tallapoosa county shall be required to attend upon each term of said court, and shall procure for the use of said court Brickell's Digest, and the Reports of the Supreme Court of Alabama, belonging to said county, and for the transportation of said dockets, records, papers and books, the commissioners court of said county shall issue a warrant on the county treasurer payable to the sheriff for the amount expended by him for said purpose.

Duties of sheriff.

SEC. 7. Be it further enacted, That all summons or process issued under the provisions of this act shall be returnable to the court at Alexander City, and so designated in said summons or process.

Summons, etc.

SEC. 8. Be it further enacted, That there shall be twenty-four jurors drawn and summoned for each term of said court, in the same manner as now prescribed by law for drawing and summoning jurors in Talla-

Jurors.

poosa county, from the qualified jurors who reside on the west side of Tallapoosa river in Tallapoosa county, except Daviston beat, which said jurors, when so drawn and summoned, shall attend and serve upon said court under the pains and penalties now provided by law for the service of jurors upon the circuit court of Tallapoosa county.

First terms.

SEC. 9. Be it further enacted, That the first term of said court shall be held on the second Monday in February, 1890, or as soon thereafter as there shall be erected a court house at Alexander City, suitable for the holding of said court.

Additional bonds.

SEC. 10. Be it further enacted, That before entering upon the discharge of their duties under the provisions of this act, the sheriff and clerk shall each make and execute bond in the sum of two thousand dollars, conditioned as now required by law for the faithful performance of their duties under the provisions of this act, provided that after the expiration of the present term of said sheriff and clerk, the bonds that are now required of them by law shall be liable for the faithful discharge of their duties under the provisions of this act.

When act goes into effect.

SEC. 11. Be it further enacted, That the provisions of this act shall not go into effect until the erection of said court house, as above provided, except for the purposes of drawing said juries.

Approved February 15, 1889.

No. 288.] AN ACT [s. 300

To provide for the compensation of expert accountants employed by the joint committee of the general assembly to examine the offices of auditor and treasurer.

Warrant in favor of expert accountants.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the auditor is hereby directed to draw his warrant upon the treasurer in favor of the expert accountants employed by the joint committee of the general assembly to examine the offices of auditor and treasurer, for the sum of six hundred and twenty-four

dollars, from the appropriation providing for the expenses of the general assembly session of 1888 and 1889, said sum being the amount agreed to be paid said expert accountants by the joint committee of the general assembly, appointed to examine the offices of auditor and treasurer.
Approved February 15, 1889.

No. 289.] AN ACT [H. B. 3

To repeal an act entitled an act to charter a ferry across Coosa river, at or near Cedar Bluff, in Cherokee county, approved February 18, 1867.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to charter a ferry across Coosa river, at or near Cedar Bluff, in Cherokee county, approved February 18, 1867, be and the same is hereby repealed.
Ferry charter repealed.
Approved February 21, 1889.

No. 290.] AN ACT [H. B. 237

Entitled an act to confirm, amend and enlarge the charter of the Bessemer Dummy Line, and to change the name thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the Bessemer Dummy Line, heretofore effected by and under proceedings had under the general laws of the State of Alabama, for the objects and purposes, and with the rights and powers, set forth in said proceedings, be and the same are hereby in all respects ratified and confirmed, and all acts of the said Bessemer Dummy Line thereunder, and the location of its line as now established, are hereby continued.
Incorporation, etc., confirm'd.
SEC. 2. Be it further enacted, That the name and style of the said corporation be changed from the Bessemer Dummy Line to the Bessemer and Birmingham Railroad Company.
Name changed

SEC. 3. Be it further enacted, That in addition to the powers given to the said Bessemer Dummy Line, and declared and set forth in said proceedings, and hereby confirmed, and in addition to those hereinafter conferred, the said corporation now and hereafter to be known as the Bessemer and Birmingham Railroad Company, shall have and posssess all the rights, powers, privileges, franchises and immunities by the general laws and Code of this State, conferred on railroad companies. Rights, powers, etc.

SEC. 4. Be it further enacted, That the said Bessemer and Birmingham Railroad Company is hereby authorized and empowered to construct, maintain and operate one or more lines on its road between the cities of Bessemer and Birmingham, and also to change and alter the locations of its present line between the said cities of Bessemer and Birmingham, and to run the said line over such route between the said termini as it may deem best; Provided, that no change be made in the route as now located within the corporate limits of either of the said cities of Bessemer or Birmingham, without the consent of the corporate authorities of such city ; Provided, however, that the said Bessemer and Birmingham Railroad Company shall have the right, with the consent of such corporate authorities, to change the location of its line of road within the corporate limits of said cities whenever and as often as such change may be deemed advisable. May operate one or more lines.

SEC. 5. Be it further enacted, That the said Bessemer and Birmingham Railroad Company may construct, purchase or lease, and own and operate lines of steamships, steamboats or other water vessels or water crafts within or without this State, or the United States, in connection with their railroads, for the purpose of transporting coal, iron and other products to or from the markets of the world, or they may make joint stock, or otherwise consolidate, or make any lawful working contract with any line of steamboats or vessels for the purpose aforesaid. May operate lines of ships, etc.

SEC. 6. Be it further enacted, That the said Bessemer and Birmingham Railroad Company is hereby further authorized and empowered to survey, locate and construct, alter, maintain and operate additional lines of railroad with one or more lines of tracks of rails from the said city of Bessemer in a north-westwardly direction through the Warrior coal fields to the town of Jasper, in May locate & construct other lines.

the said State of Alabama, on or along such route or routes as may be deemed best by the said company, or found most accessible, with the further right to survey, locate and construct, alter, maintain and operate branches in any direction, from any part or parts of the line of said railroad now or hereafter to be constructed, either for the development of mineral property along such road, or such branches, or for any other purpose which may be deemed advantageous to the said company, and on such railroad and branches said company is authorized to take and carry for hire persons and property, using such motive power or such combination of different motive powers as it may deem best ; Provided, that said company shall not be required to build any greater portion of such additional road as above authorized than it may from time to time find to its interest so to do.

May connect with wat'r lines run boats, etc.

SEC. 7. Be it further enacted, That the said Bessemer and Birmingham Railroad Company is hereby further authorized and empowered to construct its line of road and branches therefrom to any point or points on any stream or on any of the navigable waters in this State, and to such landings whatever or depots as such company may choose to establish along or at the terminus of any such line or lines of railroad, and to engage in the carriage of persons or property as a common carrier, and to charge rates of freight or tolls for the same over the said line or lines of railroad, and to contract for the use of, and to lease, and to acquire by purchase any line or lines of railroad that are now or may hereafter be constructed in this State, and to connect the same with its other line or lines of railroad, or to operate them separately as it may see fit, and to purchase, own, charter, or to hire tugs, barges and steamboats and every kind of water craft, as well as own, use, lease and occupy all such wharves and landings as it may deem necessary and proper in the transportation of the product of its mines, or manufactured products on any of the navigable waters of the State, and to use the same in the transportation of persons and property for the public, charging therefor reasonable rates of toll or freight, or in performing any business it has the right to do under the law.

May purchase or lease other lines.

SEC. 8. Be it further enacted, That the said Bessemer and Birmingham Railroad Company may in lieu of constructing any portion of its line or branches, pur-

chase, or lease for a term of not exceeding one hundred years, the road bed of any other railroad or any portion of such other railroads whose line may be located in whole or in part along the line of its railroad or proposed railroad or branches, or said company may for the purpose of making through lines make common stock or traffic arrangements or contracts for a joint use of tracks, or any other lawful contract whereby it may sell or lease, as aforesaid, to or from such other company any or all of its said railroad or branches, and the franchise thereof, and said Bessemer and Birmingham Railroad Company may have and enjoy all of the francliises of any railroad or part of railroad so purchased or leased by it, in addition to the franchises herein conferred.

SEC. 9. Be it further enacted, That the board of directors of the said Bessemer and Birmingham Railroad Company shall consist, of not less than five (5) nor more than eleven (11) stockholders, to be elected annually, to serve for one year, and until their successors are duly elected and qualified. Directors.

SEC. 10. Be it further enacted, That the said Bessemer and Birmingham Railroad Company is hereby authorized and empowered to acquire by condemnation or ad quod damnum proceedings such property and easements as may become proper in the construction of its road or otherwise to such an extent and in such manner as is provided by law for railroad companies under the general laws of the State of Alabama. Right of way.

SEC. 11. Be it further enacted, That the said Bessemer and Birmingham Ralroad Company may construct and operate a telegraph line or lines in and along and upon any and all portions of its right-of-way of its main line and branches, both for its own use or for doing a public telegraph business, but said company shall not be compelled to do a telegraph business on its said line, or at any particular station thereon, unless it so desires. Telegraph.

SEC. 12. Be it further enacted, That the said Bessemer and Birmingham Railroad Company may enclose any passenger platform or depot owned or used by it above and jointly with other railroads, and may with or without such enclosure, in conjunction with any other railroad company which may be the owner of such depot used by said Bessemer and Birmingliam Railroad Com- Depots.

pany make and enforce regulations excluding any person or all persons from such platform or depot, excepting passengers and their escorts, public officers in the discharge of their duties, and such agents or servants of the regular transfer line at said place as said company may think necessary to facilitate the handling of baggage and mails, and the accommodation of passengers ; Provided, that any of the above excepted persons may also be excluded if such person behave in a noisy, boisterous or rude manner, or is drunk.

SEC. 13. Be it further enacted, That the said Bessemer and Birmingham Railroad Company may unite and consolidate its railroad and franchises, rights and privi-

May consolidate with other companies.

leges with the railroad or railroads, franchises, rights and privileges of any other railroad company or companies, or with any other corporation or corporations, whether chartered for railroad purposes or not, in this State or any other State, by a two-thirds vote of each of such corporations, and form one general company under such name and style as may be agreed upon, anil to issue and apportion the stock of such consolidated corporations as may be agreed upon by said two-thirds of the stockholders in each of said corporations, and to take up, if deemed proper and best, the individual stock of each company and to replace it with the stock of the general company in such manner and amounts as may be agreed upon by said two-thirds of stockholders; Provided, that such amalgamated company shall keep an office in the State of Alabama, and thereupon shall general company shall be invested with all the powers and franchises therefor, or at the time belonging to each and all of the several corporations as consolidating and amalgamating; Provided, however, that the rights and remedies of creditors shall not be effected.

SEC. 14. Be it further enacted, That the said Bessemer and Birmingham Railroad Company may sell, alien and convey, lease or farm out their rights of transportation to said road, their franchises, road bed, railway, depots, rolling stock and all rights, casements and immunities to any other corporation, whether resident or non-resident, whether incorporated by the laws of Alabama or any other State upon a two-thirds vote of the stockholders at a meeting to be called by the directors of said company upon five days notice authorizing the same

May sell or lease to other companies.

to be done, and upon such authorization the president and directors shall have the power to make such sale, lease or assignment and execute proper conveyances therefor, and the purchaser shall be entitled to all the rights, franchises and immunities of the corporation hereby incorporated.

SEC. 15. Be it further enacted, That all acts heretofore done by the said Bessemer Dummy Line, not consistent with the terms of this act, are hereby confirmed.

Approved February 19, 1889.

No. 291.] AN ACT [H. B. 321

To amend an act entitled an act granting the right of way to the Nashville & Chattanooga Railroad Company through Jackaon county, and the privilege of constructing a bridge across the Tennessee river in said county, approved January 21, 1850.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act granting the right of way to the Nashville & Chattanooga Railroad Company through Jackson county, and the privilege of constructing a bridge across the Tennessee river in said county, approved January 21, 1850, be and the same is hereby amended so as to read as follows:

Amending act of 1850.

Section 1. That the Nashville & Chattanooga Railroad Company be and they are hereby authorized to construct their road through the northern portion of Jackson county, in this State, and that they shall have and enjoy all the rights, privileges and immunities, and be subject to such restrictions as are granted to and imposed upon said company by the act incorporating the same, as far as said railroad lies in the county of Jackson; on the express condition, however, that any railroad company now chartered, or which may hereafter be chartered, in this State, shall have the right to connect their road directly with the said Nashville & Chattanooga Railroad at any point on it in the county of Jackson aforesaid.

Other roads may connect with.

SEC. 2. And be it further enacted, That said company shall have the privilege of constructing a bridge for

their road across the Tennessee river; and for the pur-
Bridge across Tennessee river. pose of avoiding any interference with its navigation, it shall be the duty of the company to build the bridge at least thirty feet above extreme high water between the two piers next to the west bank, or any two piers that the company may deem best; and the space between the two piers so selected shall be at least one hundred and fifty feet, so as to afford free and safe passage for boats of all sizes.

SEC. 3. And be it further enacted, That nothing contained in this act shall prevent the State of Alabama
Tax on property of road. from levying and collecting such rate of tax on the property of said company within this State, after the completion of their road, as shall by the general assembly at the time be assessed on the property of other railroad companies in this State; Provided, that in assessing any tax the value of that part of the road or other property of the company lying in this State shall not be estimated at more than the amount of the capital stock of the company invested in their purchase and construction, to be ascertained by the statement, on oath, of the president or engineers of the company; nor shall any tax whatsoever be levied on the bridge across the Tennessee river; Provided, the same is not used for purposes of common travel, but only for the accommodation of the railroad.

SEC. 4. Whereas, the Nashville, Chattanooga & St. Louis Railway, formerly the Nashville & Chattanooga Railroad Company, has constructed a road from Elora,
Rights in Madison county. in the State of Tennessee, to Huntsville, in the county of Madison, State of Alabama, Therefore, be it further enacted by t1te General Assembly of Alabama, That said Nashville, Chattanooga & St. Louis Railway shall have and enjoy all the rights, privileges and immunities granted in section one of this act, so far as said Nashville, Chattanooga & St. Louis Railway lies within the county of Madison.

Approved February 19, 1889.

No. 292.] AN ACT [H. B. 241

To amend sections two, three, four, six, fourteen, and thirty-two, of an act entitled an act to incorporate the district of Opelika and provide for the government thereof, approved February 16, 1885, so as said sections will read as follows :

SECTION 2. Be it further enacted, That the government of said district of Opelika shall be vested in a board of five commissioners, a clerk, and chief of police, under the name and style of the Opelika Police Board, who shall have and exercise the powers conferred upon them by this act, and no other, except as may be necessary to execute such powers. The said commissioners and clerk to be elected by a majority of the qualified voters of the district of Opelika, at an election to be held on the fourth Tuesday in March, 1889, and the said commissioners and clerk so elected shall hold office for two years from the date of their election, and until their successors are elected and duly qualified. Be it further enacted, That it shall be the duty of the president and commissioners of the Opelika Police Board, immediately after the passage of this act, to appoint three resident citizens of Opelika to act as managers of said election on the fourth Tuesday in March, 1889. It shall be the further duty of the Opelika Police Board, twenty days before the election provided for by this act, to appoint three resident citizens of Opelika to act as registrars of those who desire to vote in said election; and it shall be their duty, immediately after their appointment, to keep a book open for registration at the court house of Lee county, Alabama, and to register therein the names of all those who are citizens of the district of Opelika, and who desire to vote in said election. It shall be their further duty to give a certificate of registration to each and every one so registered. The registrars appointed under the provisions of this act shall for each day's service, to be proven before the clerk of the police board, by oath or affirmation, receive one dollar per day, as compensation, which claim against the district of Opelika shall be valid and take precedence over all other claims or liens whatso-

Election of commissioners and clerk.

Managers.

Registrars, and duties.

ever. In the event that any one of the registrars appointed under this act fails or refuses to serve, then the remaining appointees may act as such registrars as if they were present; said registration list must be closed ten days before said election. It shall be the duty of the managers of said election to open the polls for the election of said commissioners and clerk, upon the fourth Tuesday in March, 1889, at the office of the sheriff, at the court house in Opelika, Lee county, Alabama, from the hours of eight o'clock, a. m., until five o'clock, p. m. They shall take down the name of each and every voter who casts a ballot in said election, numbering his name in the order in which he votes. The ballots used in said election shall be not less than two nor more than three inches wide, and not less than five nor more than eight and one-half inches long, of white paper, with the names of the candidates and office, and office of president of board of commissioners, commissioners and clerk, of which said party is a candidate written or printed thereon. It shall be the duty of the managers of said election, after the polls are closed, to count the votes cast, and, under oath, to return a true and correct poll list of the number of votes that each candidate received, to the Opelika Police Board, as soon as said poll list is made out. In case of the absence or refusal of any one of the managers appointed to act as such manager, of the election provided for by this act, then the other two may act alone, as if they were all present. Upon the manager, or any two of them, of the said election, certifying in writing, under oath, the result of said election, it shall be the duty of the Opelika Police Board to issue a certificate of election to those candidates having received the largest number of votes cast, and upon receiving said certificate and taking the oath of office, which may be administered by any magistrate allowed by law to administer oaths, they shall be entitled to enter upon the duties prescribed for them by this act. Be it further enacted, That the general election laws of the State of Alabama shall apply to the holding of said election when not inconsistent with this act. Be it further enacted, That the words "qualified voters," in this act, shall mean each and every male citizen of twenty-one years of age, who is

Duties of managers.

Duty of police board.

Voters.

and has been a bona fide resident of the district of Opelika, for at least sixty days before the day of election provided by this act.

SEC. 3. Be it further enacted, That section three of this act be so amended as to read as follows : That the officers of said police board shall be a president or recorder, a clerk or tax collector, chief of police, and such other police officers as the said board may select. Officers of board.

SEC. 4. Be it further enacted, That section four of this act may be so amended as to read as follows: That the president or ex-officio recorder shall be the chief executive officer of the board, and shall perform all the duties required of him by this act. In case of his disability to act the board may name a temporary vice-president, who shall during such inability have the powers of the president. The said board may fill vacancies, except as herein provided. The president of said board may receive such fees or salary not to exceed six hundred dollars per annum, as the board of commissioners may prescribe. Duties of president of board.

SEC. 6. Be it further enacted, That section six of this act be so amended as to read as follows: That the clerk shall be elected by the qualified voters of the district of Opelika at the time, place and conditions hereinbefore stated, and shall hold his office for the term of two years. He shall keep a true and faithful record of the proceedings of said police board, shall preserve the books of said corporation, and a file of its papers and documents, all of which shall be open to the public inspection. He shall also be required to compile and publish in at least one newspaper published in the district of Opelika a semi-annual report of the finances of said board, showing the receipt of and disbursement of all funds received and expended by said board, and shall also perform such other duties as is required by this act, or may be required by said board. He shall receive such compensation not to exceed five hundred dollars per annum, as said board may prescribe. Duties of clerk.

SEC. 14. Be it further enacted, That section fourteen of this act shall be so amended as to read as follows : That the duties of said police board shall be more especially executed, except as otherwise provided, by a Police force.

police force which shall be under the direction and control of the board, and shall be appointed, instituted, organized and regulated by and subject to removal by said police board, and it shall be composed of such number not exceeding five, as said police board may deem necessary for the proper execution of the power vested in said board. The president of said board, when he deems it necessary, may appoint special policemen to serve for a limited time. The chief of police shall be ex-officio constable, and have the power and authority of a constable of this State. He shall be under the control of said police board, and perform such duties as said board may direct. He shall receive such compensation, not to exceed six hundred dollars per annum, as the said board may prescribe.

Chief of police.

SEC. 33. Be it further enacted, That section thirty-three of this act be so amended as to read as follows: And that all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 21, 1889.

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No. 293.] AN ACT [H. B. 472

To repeal an act entitled "An act to provide for the more efficient working of the public roads in Jackson county," approved February 17, 1885.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act to provide for the more efficient working of the public roads in Jackson county, be and the same is hereby repealed.

Road law repealed.

Approved February 19, 1889.

No. 294.] AN ACT [H. B. 487

To define and regulate the jurisdiction of justices of the peace and notaries public who are ex-officio justices of the peace in precincts 21 and 37, and in the wards of the city of Birmingham, Jefferson county, Alabama, and to regulate their fees.

SECTION 1. Be it enacted by the General Assembly of Alabama, That justices of the peace and notaries public who are ex-officio justices of the peace, in precincts 21 and 37, and in the wards of the city of Birmingham, Jefferson county, Alabama, residing and holding court in their respective precincts and wards, shall have and exercise jurisdiction in all civil cases except libel, slander, assault and batteries and ejectments, to the amount of one hundred dollars. Jurisdiction of justices & notaries.

SEC. 2. Be it further enacted, That said justices of the peace and notaries public shall have and exercise in said county the same jurisdiction in criminal cases as is now exercised by justices of the peace.

SEC. 3. Be it further enacted, That said justices of the peace and notaries public shall receive the same fees as are now paid justices of the peace for precinct 21 in said county.

SEC. 4. Be it further enacted, That all laws and parts of laws, either general or special, in conflict with the provisions of this act, be and and the same are hereby repealed.

Approved February 19, 1889.

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No. 295.] AN ACT [H. B. 542

To amend section two of an act to authorize the commissioners court of Barbour county to establish or abolish districts in which stock may be prevented from running at large, approved December 12, 1882.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to authorize the commissioners court of Barbour county to establish or abolish districts in which stock may be prevented from

running at large, approved December 12, 1882, be and the same is hereby amended so as to read as follows :

Section 2. Be it further enacted, That whenever any ten freeholders petition said court in writing, stating that they desire an order to be made establishing a district wherein stock shall not be allowed to run at large, fully describing such district and stating that petitioners reside or own land in such district, or if such petition is to abolish such a district or portion thereof, heretofore or hereafter established, the petition must describe the district clearly, and state that the petitioners reside or own land therein, that in eitheir case the petition must be filed with the probate judge of said county at least thirty days before the next term of the commissioners court, and he must cause a notice of said application to be posted at the court house door, and copies thereof to be posted in three public places ia the district described in the application or petition. At least three consecutive notices of the application must be given in a newspaper published in the county of the day of hearing such application.

Relating to stock law districts.

Approved February 19, 1889.

No. 296.] AN ACT [H. B. 553

To prohibit the sale, giving away, or otherwise, disposing of, spirituous, vinous, or malt liquors, or intoxicating bitters or beverages within the Fairfield precinct, Pickens county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person or persons to sell, give away or otherwise dispose of any spirituous, vinous or malt liquors, or intoxicating bitters or beverages, within Fairfield precinct in Pickens county, Alabama.

Liquor prohibition.

SEC. 2. Be it further enacted, That any person violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined a sum of not less than fifty dollars, nor more than two hundred dollars, and may also be sentenced to hard

Penalty.

labor for the county for not more, than six months ; Provided, the provisions of this act shall not go into effect until December, 1889.

Approved February 19, 1889.

No. 297.] AN ACT [H. B. 578

To authorize the court of county commissioners of Tuscaloosa county to purchase claims against the tine and forfeiture fund of said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Tuscaloosa county be and the same is hereby authorized to direct the treasurer of said county to purchase valid claims against the fine and forfeiture fund of said county, and to pay for the claims so purchased out of the general fund of the said county in the manner and under the conditions hereinafter prescribed.

Claims against fine and forfeiture fund.

SEC 2. Be it further enacted, That whenever, in the opinion of the said court of county commissioners, the finances of the said county of Tuscaloosa justify such procedure, the said court may, by resolution entered upon its minutes, direct the county treasurer to advertise for the purchase of claims against the fine and forfeiture fund of said county, to such an amount as the court may specify, and to pay therefor such sums as the said court may deem proper, not exceeding twenty per cent of the face value of such claims.

Duty of county comm'rs.

Not exceeding twenty per ct. face value to be paid.

SEC. 3. Be it further enacted, That said treasurer shall accept and pay off such claims as maybe offered him for purchase ; first, those which are offered at the lowest price, in the order in which such offers were received at his office; then those next lowest, and so on until the sum set apart for this purpose by the court of county commissioners shall be exhausted; Provided, however, that none shall be accepted or paid, for which more is demanded than the price stated in the resolution of the court, and the acceptance or rejection of any claim shall be optional with the treasurer within the limits previously described, except that he shall not accept or pay

Duties of co. treasurer.

for any claim a higher price than asked for the lowest of those rejected by him.

SEC. 4. Be it further enacted, That within ten days of the passage of such resolution by the court of county commissioners, the treasurer shall publish in a newspaper published in said county of Tuscaloosa. once each week for three successive weeks, a notice substantially as follows: Notice.—Offers of valid, properly registered and authenticated claims against tlie fine and forfeiture fund of Tuscaloosa county, will be received at my office, in the city of Tuscaloosa, from 12 m., the——day——188—— to 12 m., the————day of——— 188—. The amount set aside for the purchase of such claims is————dollars, and I will pay therefor not exceeding ——cents on the dollar, face value; the lowest offers are entitled to preference, in the order of time in which they are received at my office, but I reserve the right to reject any or all offers. (A. B.) county treasurer. The first day named in said notice shall not be more than three days after the first publication thereof, and the last day not more than three days after publication shall have been completed.

SEC. 5. Be it further enacted, That the treasurer shall take a receipt, endorsed on the back of the claim, for every claim he shall purchase and pay under the provisions of this act, and file the same in his office as a voucher, and he shall also enter in a suitable book to be kept by him for the purpose, the amount so paid for each claim, the face value of such claim, the name of the person to whom it was issued, the name of the person presenting and selling the same, the date of its issue, the date of its presentation to the treasurer for registration, the day of its purchase and payment, and such other marks of designation as he shall deem necessary to its identification.

Applies to past and future claims.

SEC. 6. Be it further enacted, That this act shall apply to all claims which are now or shall hereafter become valid claims against said fund, by and under the laws of the State of Alabama.

SEC. 7. Be it further enacted, That the provisions of this act shall not affect in any manner any of the rights and claims which any person may have acquired against the fine and forfeiture fund of Tuscaloosa county, under the laws of Alabama, and that all laws in conflict with this act are hereby repealed.

Approved February 19, 1889.

No. 298.] AN ACT [H. B. 586

To amend section 4870 of Code 1886 so far as the same relates to Limestone county, Alabama.

SECTION 4870. Cost; how taxed.–Be it enacted by the General Assembly of Alabama, That section 4870 be amended so as to read as follows : Of the fees specified in the preceding section, such as accrue in a for- Fine and forfeiture against a defaulting juror, witness or bail, must feiture fund. be taxed as cost and collected under execution against such witness, juror, or bail, unless excused therefrom by the court, and another special fees for such services as are rendered in the case must be taxed as cost against the defendant on conviction, or against the prosecutor or foreman of thr grand jury as provided by section 4355, and collected by execution, and in all trials in the circuit and city courts or county courts, when the State fails to convict or the indictment abates or is nol prossed or withdrawn, the fees of the sheriffs and clerks of said courts shall be paid out of Fees if sheriff the fine and forfeiture fund. But said sheriffs and and clerk. clerks must make affidavit, before the circuit, city or probate judge of the amount due them ; Provided, the provisions of this act shall apply to Limestone county only.

Approved February 19, 1889.

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No. 299.] AN ACT [H. B. 624

To amend sections one and two of an act entitled an act entitled an act to incorporate the South Western Railroad Company, approved January 21, 1860.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to incorporate the South Western Railroad Company, approved January 21,1860, be and the same is hereby, amended so as to read as follows, to-wit: That the South Western Railroad Company, a body corporate Rights and in the State of Georgia, for the purpose of authorizing powers. said company to extend its road from the point on the

Western banks of the Chattahoochee river, at which said company shall cross said river to any suitable point for a depot which may be selected either within or near the city of Eufaula, and also for the purpose of a similar extension of said road from the point at which said road shall cross the said river near the town of Fort Gaines, in Georgia, to a suitable terminus within or near the town of Franklin in this State, and also for the purpose of a similar extension of said road from the point at which said road shall cross the said river, near the town of Columbia in Henry county, in this State, to a suitable terminus within or near said town of Columbia, be and the same is hereby created a body corporate in tills State by the name of the South Western Railroad Company, and by that name is hereby authorized to sue and be sued, to have a common seal, to make contracts, to purchase and hold such real and personal property as may be necessary for the purpose of this incorporation, and to do and perform within this State all such acts as usually pertain to railroad corporations.

SEC. 2. Be it further enacted, That section two of said act, approved January 21, 1860, be and the same is hereby amended so as to read as follows, to-wit:

May locate and construct line of railway.

That the said South Western Railroad Company is hereby authorized to locate and construct single or double track railways between the points hereinbefore designated, and to use the same for the transportation of persons or property for hire, either by steam or other power, and for that purpose the said company is authorized to lay out said road, and acquire by purchase or condemnation as provided by law, a right of way therefor, not exceeding one hundred feet wide throughout the entire length of its line and such additional lauds or right of way as may be necessary for the purpose of depots, cuttings and embankments, and necessary side tracks, switch tracks and turnouts, and for car shops ; Provided, said company shall make fair compensation to all real estate owners along the line of said road for the land that may be used or condemned for the use of said roads, according to the provisions of law in such cases made and provided ; Provided also, that nothing herein contained shall authorize said company to exercise banking privileges,

or construct branch roads from either of the lines authorized.

Approved February 19, 1889.

No. 300.] AN ACT [H. B. 641

To amend an act to establish a sinking fund commission for Selma, approved December 12,1888.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section nine of an act to establish a sinking fund commission for Selma, approved December 12, 1888, be and the same is hereby amended so as to read as follows: Section 9. It shall be the duty of the commission to require the tax collector of Selma, to deposit in the bank designated as their depository, to their credit, all money collected by him as, and for Selma bond tax, on the day it is collected, and whenever the State authorities collect the Selma bond tax, in that event, to require the county tax collector to deposit promptly with the treasurer of the State of Alabama, to the credit of said commission, all money collected by him as, and for Selma bond tax, and to take promptly such legal steps as are necessary to enforce this requirement.

Duties of sinking fund commission.

Approved February 19, 1889.

No. 301.] AN ACT [H. B. 642

To amend an act to provide for funding and paying the legal debts of Selma, created prior to December 6, 1875, approved December 7, 1888.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act to provide for the funding and paying the legal debts of Selma, created prior to December 6, 1875, approved December 7,1888, be and the same is hereby amended by adding thereto the following: In the event all of said now bonds are not issued by the 1st day of August, 1889, then the clerk of Selma

Copies of bonds issued to be filed with State auditor.

shall make a correct copy of all those that have been issued up to that date, and file the same with the auditor of the State of Alabama, and in like manner, on the 1st day of August every year, the said clerk shall file with the auditor of the State of Alabama, a copy of all bonds issued under this act, since the date of his last report, and continue so to do till all of said bonds have been issued and a copy thereof filed with the auditor of the State of Alabama.

Tax assessor of Selma to file copy of assessment in probate office.

SEC. 2. Be it further enacted, That it shall be the duty of the tax assessor of Selma, immediately after completing the assessment of taxes for the municipality of Selma, made next after the approval of this act, to make a full and detailed copy of every list included in said assessment, and file the same in the office of the probate judge of Dallas county, and shall annually thereafter file in said probate office a copy of the assessment made by him as such tax assessor for Selma. For making and filing said copy as herein provided, the said assessor shall be paid by the city of Selma, a reasonable compensation to be fixed by the council, not to exceed twenty-five dollars in any one year. Whenever the State authorities shall assume permanently the assessment and collection of the Selma bond tax as provided in this act, the said tax assessor of Selma shall not thereafter make or file such copy.

SEC. 3. Be it further enacted, That in the event the probate judge of Dallas county has to make a certificate showing the total amount of taxable property in Selma, he may consult the copy of the city assessment for that year, on file in his office, and obtain therefrom any information needed by him which does not appear on the lists made by the tax assessor of Dallas county. For making each of said certificates to the auditor of Alabama, the probate judge of Dallas county shall be paid by the city of Selma the sum of ten dollars.

Approved February 19, 1889.

No. 302.] AN ACT [H. B. 646

To declare F. M. Dansby, a liner between the counties of Dallas and Perry, a citizen of Dallas county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That F. M. Dansby, who resides at or near the line between Perry and Dallas counties, is hereby declared to be a citizen of Dallas county.

SEC. 2. Be it further enacted, That all taxes now accrued or to hereafter accrue on lands owned by said f. M. Dansby, which are situated in Perry county, in the distance of three-fourths of a mile from the dividing line between said Dallas and Perry counties, shall be paid to the tax collector of said Dallas county, and his receipt shall be a full acquittance therefor, and said lands shall hereafter be assessed by the assessor of said Dallas county.

F. M. Dansby a citizen of Dallas.

Approved February 19,1889.

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No. 303.] AN ACT [H. B. 677

To provide for the term of office of the tax collector of Lee county.

SECTION 1. Be. it enacted by the General Assembly of Alabama, That the term of office of J. S. Hare, tax collector for Lee county, Alabama, shall extend to and include the tax year of 1892, and that he is authorized and empowered to collect the taxes in said county for the tax years 1889 to 1892, inclusive.

Extension of term of tax collector.

SEC. 2. Be it further enacted, That all laws inconsistent with the provisions of section 1 of this act, be and they are hereby repealed.

Approved February 21, 1889.

No. 304.] AN ACT [H. B. 679

To change the name of Brownville, in Lee county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the town of Brownville, in Lee county, shall be known and designated as Phoenix City ; that the mayor and council of said town of Brownville, shall be styled the mayor and council of Phoenix City ; that all laws and ordinances now in force in said town, shall be applicable in all respects for the government of Phoenix City.

Brownville changed to Phoenix City.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 19, 1889.

No. 305.] AN ACT [H. B. 705

To amend an act entitled an act to incorporate the Birmingham, Mobile and Navy Cove Harbor Railway Company, approved February 28, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to incorporate the Birmingham, Mobile & Navy Cove Railway Company, approved February 28, 1887, be amended by the addition of the. following section, to be numbered 25, as follows :

Section 25. Be it further enacted, That said railway company shall have authority, and it shall be lawful for it to extend and build branches from its main road to connect with other roads operated within or without the State for the development of its business ; to accept lands along the line of its said railway as donations, or to purchase lands with its stock or for cash in aid of its construction ; to sell and convey lands or the timber thereon, or to develop the same by the erection of saw mills, and converting the timber into lumber; to purchase and hold the stock and bonds of other corporations ; to erect and maintain docks, piers, wharves, warehouses, tugs, lighters, and such other devices or

Rights and privileges of railway company.

appliances, or machinery or erections, as may be necessary to develop, increase and facilitate the business of said railway, and the commerce and business of the city of Mobile, and to own, run and operate a transfer boat or boats in connection with said railway; Provided, that before erecting any dock, pier, wharves or warehouses in the city of Mobile, permission to do so shall first be obtained from the municipal authorities of said city.

Approved February 20, 1889.

No. 306.] AN ACT [H. B. 709

To incorporate the Alabama and Texas Railway Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That L. M. Potter, J. W. Lambert, H. C. Griffin, Geo. F. Moore, A. A. Wiley, and T. J. Rutledge, and their associates, be and they are hereby constituted a body corporate and politic, by the name of the Alabama and Texas Railway Company, and by that name or by such other name as the stockholders after their organization may adopt, arc hereby authorized to sue and be sued, make a common seal, the same to break, alter and renew at pleasure, to have and to liold real and personal property for the present and future business and purposes of such company, as well as such other property as said company may otherwise acquire by gift, devise, donation or purchase, for investment or development, and to have and enjoy, and secure their franchises within any other State that may grant, authorize or permit the same, to make rules, regulations and by-laws, for the management and direction of such corporation not contrary to the laws of this State, and generally to have, enjoy and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary for tlie full carrying out of the objects and purposes of this act.

Corporators.

Rights, powers and privileges.

SEC. 2. Be it further enacted, That said company is hereby authorized and empowered to survey, locate and construct, and thereafter maintain and operate, a railway with one or more tracks of rails from tlie city of Montgomery, Alabama, through said State to the Missisippi

Route.

State line on such route or routes as may be found best, to some point on said State line in the county of Choctaw or Washington in the State of Alabama.

SEC. 3. Be it further enacted, That said company is hereby authorized for the purpose of constructing said railroad, to lay out the same not, exceeding one hundred feet wide, and for the purpose of constructing necessary buildings, and for the convenient operation of the railway or for the purpose of protecting its structures, may take as much more land as the necessities of the company may from time to time require, such taking being governed by the provisions of the laws and constitution of this State regulating the taking of private property under the general incorporation laws.

Right of way.

SEC. 4. Be it further enacted, That said company may for the purpose of making thorough lines make common stock, or any other lawful contract, whereby it may sell or lease, to any other company any or all of its said railway and the franchises thereof.

Contract with any other company.

SEC. 5. Be it further enacted, That said railway company may cross or build along the right of way of any other railway company, for a distance of not more than two miles, and said railway may be built across on or along any of tlie highways of the country or across or along any of the streets of any incorporated town or city, through which it may be necessary to pass, or across any of the navigable waters along the route ; Provided, that the said highways and streets, shall after the construction of said railroad thereon be restored to as good condition as practicable, and in crossing any navigable river. they shall place therein a draw-bridge giving a. clear passage of at least fifty feet, and the consent of incorporated towns and cities shall be first had to the use of the streets or alleys for such right of way before the same shall be so used and occupied.

Right in contracting road.

SEC. 6. Be it further enacted, That the capital stock of said railway company shall be three millions of dollars, divided into shares of one hundred dollars each, which shall be deemed personal property and may be transferred in such manner as the by-laws of said company shall direct, and when the sum of one hundred thousand dollars shall have been subscribed in money, labor or property, the incorporators hereinabove named, or a majority of them, shall call the subscribers together by notice given

Capital stock.

in such manner as they may direct, for the purpose of organization, and a majority of the stock so subscribed being present either in person or by proxy, they shall proceed to the organization of the company by election from among the stockholders themselves not less than five nor more than seven directors to manage the affairs and business of the company for the ensuing twelve months, or until their successors are elected and duly qualified. The directors thus elected shall elect from their number a president, and such persons as they may see fit for secretary and treasurer of said company, for such period and under such conditions as the by-laws may direct.

Directors, and other officers.

SEC. 7. Be it further enacted, That upon the organization of the company the said incorporators shall turn, over to the board of directors all the money received by them on subscriptions and all the bonds, notes, obligations, deeds and other papers taken or made by or to them or any of them in the organization of the company, and henceforth all such bonds, notes, obligations, deeds and other papers and the rights and property secured thereby shall be the property of the company, and shall be binding on the company and the other parties to said bonds, notes, and obligations just as if they had been originally made between said railway company and the parties to such bonds, notes, obligations, deeds and papers.

Duty of incorporators.

SEC. 8. Be it further enacted, That after such organization as hereinabove provided for, the said railway company shall have and may exercise all the rights and powers conferred on railroads incorporated under the general laws of this State by virtue of section (1580) fifteen hundred and eighty of the Code of Alabama, and the said section is hereby made a part of this charter as fully as if it were set out herein at length, and the provisions of sections 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595 of the Code of Alabama shall be and the same are hereby applicable to the Alabama and Texas Railway Company just as fully and in all respects the same as if said company had been organized under the provisions of chapter six of title one of part two of said Code of Alabama, and said sections are hereby made a part of this charter just as if the same were fully set out at length herein except

Rights and powers.

where such sections conflict with the expres provisions of this act, it being the true intent and meaning of this act to confer on the said company the powers granted to railroad companies organized under the incorporation laws of this State found in said chapter six, title one, of part two of the Code of Alabama, except as such provisions are changed, modified or omitted by the express provisions of this act.

SEC. 9. Be it further enacted, That the company may borrow money for the purpose of carrying out the objects of its charter, and may make notes, bonds or other evidences of debt, and by a vote of the majority of the directors had at a meeting called for the purpose after giving thirty days notice, may secure the payment of notes, bonds or other evidences of debt by a mortgage or deed of trust on its franchises and any and all of its property real and personal.

May borrow money and secure same.

Approved February 19, 1889.

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No. 307.] AN ACT [s. 194

To incorporate the Southern Guaranty Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That James E. Webb, H. C. Ansley, R. D. Johnston, and their associates, be and they are hereby created a corporation, under the name and style of the Southern Guaranty Company, with all the usual powers and privileges incident to bodies corporate in this State, and such others as are hereinafter conferred.

Corporators.

SEC. 2. Be it further enacted, That said corporation shall have the power to purchase, hold, improve, lease, sell, convey and dispose of property, real and personal, or any interest therein ; to make and negotiate loans of money on real or personal property or other securities whatsoever, as it may deem best; to do a general commission business; to act as agent or broker for resident or non-resident corporations or persons in or about placing, negotiating and obtaining loans of money, and it may act therein for either the borrower or lender, or as middle man between the said parties; and it may take, charge and receive from either borrower or lender

Powers.

such reasonable commissions or compensations as may be agreed upon between the said corporation and the party or person for whom such service shall be rendered.

SEC. 3. Be it further enacted. Said corporation may borrow money, purchase, hold, sell and dispose of discount bonds of municipal or private corporations or individuals, stocks, notes, bills, mortgages, choses in action, and all other evidences of debt or securities on its own behalf, or as agent, broker or trustee for other corporations or individuals.

SEC. 4. Be it further enacted, Said corporation shall be capable of receiving, holding and keeping money, bonds, stocks, bills, notes, drafts and other personalty, or general or special deposit, on such terms as may be agreed upon with the depositor, and upon such trusts and uses and for such purposes as shall be agreed upon, and may issue therefor receipts or certificates setting forth the contract of deposit.

SEC. 5. Be it further enacted, Said corporation shall have the power to accept and execute all such trusts as may be committed to it by any conveyance, decree, order of court or otherwise of any individual, company, corporation, court of record, or other court, according to the terms and conditions of the instrument conferring said trust, and for such compensation as shall be agreed upon, and in the execution of said trusts said corporation shall have the power to control, manage, office, and operate any industrial, mining or manufacturing property, whether it be corporate or individual.

SEC. 6. Be it further enacted, Said corporation shall have the power to act as agents for the purpose of issuing and countersigning certificates of stock, bonds, or other obligations of any corporation, association, municipality, State or public authority, and to receive and to manage any sinking fund thereof, on such terms as may be agreed upon. It shall have the power of becoming sole surety in any case when, by law, one or more sureties may be required for the faithful performance of any trust or office, and of making insurance for the fidelity of persons holding places of responsibility and trust, and of insuring owners of real estate, mortgagees and others interested in real estate from loss by reason of defective titles, liens and incumbrances.

SEC. 7. Be it further enacted. Said corporation may guarantee the payment of any bond, note, bill or other evidence of debt, or the interest thereof, by indorsement or otherwise, as it may deem best, and it may secure the payment of any debt so guaranteed, or any money borrowed by it, by the mortgage of any real or personal estate or the pledge of any property, or by the hypothecation of any stocks, bonds, evidence of debt or other property or effects whatever, and for making such guaranty or security it shall have the right to take, receive and charge such commission or compensation as shall be agreed upon between said corporation and the person or corporation for which such service is rendered, and for its indemnity against loss by reason of such guaranty, it may take from the person or corporation whose debt or obligation is guaranteed, such security, by way of mortgage or pledge or otherwise, as shall be agreed upon, and it may enforce the same according to the terms thereof.

SEC. 8. Be it further enacted. Said corporation shall have the power to issue and sell the debentures or bonds of the company, to run for such period as shall be deemed best, and they may secure the same by mortgage, deed of trust of real or personal property, or pledge, or hypothecation of any property or securities they shall deem best, or by any other security, as they shall determine.

SEC. 9. Be it further enacted. Said corporation may make and enter into all such contracts, agreements and arrangements, and do and perform all such matters and things as may be deemed necessary and convenient, directly or remotely, to promote or carry out the corporate purposes as herein declared.

SEC. 10. Be it further enacted, Said corporation may establish its main office in any city or town in the State of Alabama, with branch offices at such points, in or out of the State, as it shall deem necessary and expedient for its corporate purposes.

Main Office, & branch offices.

SEC. 11. Be it further enacted. The capital stock of said company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, and the same may be increased, from time to time, to one million of dollars, such increase of capita] stock to be determined by a vote of two thirds of the capital stock of the company, as represented in person or by proxy, at

Capital Stock.

any regular meeting or special meeting called for that purpose.

SEC. 12. Be it further enacted. Said corporation may invest its entire capital, or such part as it may deem best, in bonds of the State of Alabama, or of the United States, or any other municipal bonds authorized to be issued by the legislature of the State; and it may deposit said bonds with the treasurer of the State of Alabama, as a security for the faithful performance of any promise or undertaking, on its part, and on such terms as it may, designate. And the treasurer is hereby authorized to give said corporation a receipt under the seal of the State, for any bonds so deposited, showing the number, character and amount of bonds so deposited, and the purpose of such deposit; and thereafter he shall hold, keep and dispose of said bonds for the uses and purposes, and upon the conditions and terms declared in said receipt.

May deposit bonds with St. treasurer as security for performance of promises, etc.

SEC. 13. Be it further enacted. Said corporation may organize and commence business immediately upon the ratification of this act.

SEC. 14. Be it further enacted, The corporate powers of this company shall be vested in a board of not less than five nor more than fifteen directors, a majority of which shall constitute a quorum. They shall be elected each year from among the stockholders at the annual meeting, and shall hold office for one year, unless sooner disqualified. The board of directors may create an executive committee of not less than three, whose qnalifications and duties shall be defined in the by-laws; any vacancy occurring in the board of directors may be filled by the board, and said board may provide such other officers and their several duties, as they shall deem expedient in the by-laws, and fix the salaries.

Directors.

Exec'tive committee.

SEC. 15. Be it further enacted. In all meetings of stockholders each share of stock shall be entitled to one vote, which may be represented in person or by proxy, duly authorized.

SEC. 16. Be it further enacted. The said corporation shall have the power to establish by-laws, providing therein the terms and manner of transfer of stock, the lien of association upon the stock of the shareholder for debts due the association, the kind, motive and extent of the obligations of the company; and all other matters

which stockholders may deem needful for the best interest of the company.

Approved February 16, 1889.

No. 308.] AN ACT [H. B. 109

To prohibit the selling, giving away, or otherwise disposing of spirituous, vinous, malt liquors, intoxicating bitters, or intoxicating beverages in Clay county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for any person or persons to sell, give away, or otherwise dispose of spirituous, vinous, malt liquors, intoxicating bitters, or intoxicating beverages in Clay county, Alabama; Provided, that the provisions of this act shall not apply to, nor be so construed as to prevent their use in family circles, nor to the use of wines for sacramental purposes.

Liquor prohibition.

SEC. 2. Be it further enacted. That any person or persons violating the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall bo fined not less than fifty dollars, nor more than two hundred dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county, not exceeding six months, at the discretion of the court trying the case.

Penalty.

SEC. 3. Be it further enacted. That all laws and parts of laws in conflict with tills act, be and the same are hereby repealed; Provided, the provisions of this act shall not repeal or be so construed as to prevent the operations of the provisions of an act entitled an act to authorize probate judges in the counties of Jackson, Clark, Shelby, Randolph, Coosa, Winston, Fayette, Cleburne, Tuscaloosa, Monroe, Marion, DeKalb, St. Clair, Calhoun, Sanford, Jefferson Baldwin, Cherokee, Clay, Lauderdale, Blount and Morgan, to order elections in certain cases, to prevent the sale or giving or other disposition of vinous or spirituous liquors, witliin certain limits in such counties, so far as the same relates to Clay county.

Approved February 20, 1889.

No. 309.] AN ACT [H. B. 591

For the protection of land and property against the depredations of live stock in portions of precincts numbers one, two, three, four, five and six, in Autauga county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be unlawful for the owner of any horse, mule, ass, cow, or cattle of any kind, hog, sheep or goat, to allow or permit the same to run at large in that part or portion of precincts one, two, three, four, five and six, in Autauga county, which liave been heretofore established by the board of revenue of said county, as stock law districts, or districts in which stock is not allowed to run at large, and any owner permitting his or lier stock in any part of said districts to run at large in said districts, shall be liable to any person injured for all damages done to the land, crops, fruit trees, shrubbery or other property in said district, to be recovered before any court of competent jurisdiction ; and the fact that such damage shall create a lien on the animal or animals which commit the same, said damages to be assessed by a jury composed of three disinterested citizens appointed by said magistrate residing in said beat, unless said damages be agreed upon by the owner of the stock and the party damaged, from the time the damage is committed, which lien shall be superior to all other liens; Provided, that the judgment of such court shall fix the amount of such damage and lien, and that if no suit therefor is begun within thirty days from the time the damage was committed, the lien for the same on said animal or animals shall cease to exist.

Stock law districts.

Owner of stock liable for damages.

SEC. 2. Be it further enacted. That any person in said districts in said county who is the owner or lawfully in the possession of any lands, or his agent, shall have the right to take possession of any animal, or animals, if found at large or uncontrolled on the premises of such owner or agent, and shall forthwith notify personally or by leaving a written notice at the usual place of residence of the owner or owners of such animal or animals, or his or their agent or agents, if the owner or owners are made known to the taker-up, who must exercise due diligence in ascertaining the owner or owners of such animal or animals.

Taking up animals.

If the owner or owners shall fail or refuse to satisfy the taker-up for the damages done by such animal or animals, the taker-up may proceed against the owner or owners for the damages as provided by section one of this act; and if the owner or owners shall fail to pay the charges for taking up and keeping such animal or animals within five days after he has notice of the taking up, then the taker up may bring suit before the nearest justice of the peace or notary public who is competent, or other court of competent jurisdiction, and recover the amount of such charges, together with the costs and damages done to the land, crop or other property ; and at the trial of such suit, which snail proceed under the same rules and regulations as other civil causes, the pidgment rendered, if in favor of the taker-up, shall be enforced by a sale of the animal or animals so taken up, after advertisement by the justice of the peace or notary public who tries the cause, for ten days in three places as public as possible, in the precinct in which the cause is tried, which notices of advertisement shall be in writing ; the sale must be for cash and must be made at the usual place of holding the court in said precinct.

Sale of animals for damages and cost.

SEC. 3. Be it further enacted. That if the owner of the stock doing the damage is not known to the taker-up, he shall report the taking up and a description of the animal or animals so taken up to the nearest justice of the peace or notary public within forty-eight hours after the taking up, and make affidavit that the owner is not known, and that he has not been able to ascertain the name of the owner after diligent inquiry, and the affidavit shall also contain a short description of the animal or animals, and that it or they were taken up on the premises of which affiant was in possession or for which he was agent, and on the filing of such affidavit the same proceedings shall be had as in the case of estrays under the existing estray laws of this State, except that no bond shall be given as now required by law, and said proceedings may be had at any time during the year without regard to seasons, but in the disposal of such animal or animals, the taker-up shall first be reimbursed for all cost for taking up such animal, and for all damages committed by the same, but the taker-up shall be liable for any willful negligence or injurious treatment or any con-

Proceedings when owner is unknown.

version which may cause a loss of the animal or animals so taken up in said districts.

SEC. 4. Be it further enacted, That for taking up and keeping live stock under the preceding provisions of this act, the following fees shall be allowed for the benefit of the taker-up, viz : for taking up each horse, mule or ass, forty cents; for taking up each animal of the cow kind, twenty-five cents ; for taking up each hog, sheep or goat, fifteen cents ; and one-half of such fees for each subsequent day such animal or animals are kept by such taker up; and the justice of the peace shall be entitled to twenty-five cents for eacli affidavit made before him, twenty-five cents for the notice of sale, and ten per cent. commission on the proceeds of sale. Fees for taking up, etc.

SEC. 5. Be it further enacted, That justices of the peace and notaries public may render judgment for amounts within their jurisdiction on ten days notice to the defendant, and execution may issue thereon after five days from the rendition of judgment, and the justice of the peace or notary public of the precinct where damages are done by any animals, or where the fees for taking up and keeping such animals are licensed, shall also have jurisdiction in such cases, notwithstanding the defendant may dwell in another precinct or another county ; Provided, when there is no justice of the peace or notary public dwelling in such precinct, or where he is disqualified by interest or any other lawful cause, then any justice of the peace or notary in the county has jurisdiction of such cases in accordance with the provisions of this act. Justices of the peace and notaries.

SEC. 6. Be it further enacted, That the right of appeal shall be had in all cases as in other civil causes, and that the circuit court shall have jurisdiction in all cases under this act where the amount in controversy exceeds fifty dollars. Appeal.

SEC. 7. Be it further enacted. That the provisions of this act sliall not be so construed as to allow the animal or animals of any person not dwelling witliin the territory or districts covered by the provisions of this act, to go at large within the said territory or districts, and where the owner or owners of any such animal or animals dwell in any other comity, all process or notices may be executed upon them by the sheriff or constable of Autauga county.

SEC. 8. Be it further enacted. That all laws or parts of laws authorizing the board of revenue of Autauga

county to establish or repeal stock law districts or districts in which live stock are not permitted to run at large in said county, and all laws and parts of laws in conflict with this act. be, and the same are hereby repealed.

Approved February 20, 1889.

No. 310.] AN ACT [H. B. 598

To form a separate school district in Talladega county, to be known as Chinnibee school district.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a school district separate and apart from the other school districts and townships of Talla-
School district. dega county, be and the same is hereby created out of parts of townships seventeen (17) and eighteen (18), range six, and seventeen (17) and eighteen (18), range seven, to be embraced in the territory within a radius of two and one-half miles from a point where Chinnibee creek joins Chiaha creek.

SEC. 2. Be it further enacted. That the said separate school district shall receive its proportionate share
Duty of county superintendent of. the public school revenue of said townships, including a pro rata share of the sixteenth section fund, and shall also receive all the tax collected as poll tax within the limits of the territory as set forth in section one of this act, aud the superintendent of education of Talladega county, shall set apart from the school fund of said county, and disburse and use such pro rata share exclusively for the maintenance of the public schools of said separate school districts.

SEC. 3. The it further enacted. That said separate school district shall be under the supervision of three
Trustees. trustees, namely: 8. W. Pace, J. E. Camp and A. W. Porter, who shall hold office for two years, to date from the approval of. this act, and until their successors are appointed and qualified, and said trustees shall have power to fill any vacancy which may occur either by removal, death or otherwise, and appoint their successors; Provided, any two agree on such appointment.

Approved February 20, 1889.

No. 311.] AN ACT [H. B. 627

To regulate the receiving of assessments of property after the completion of his sittings, by the tax assessor of Barbour county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the tax assessor of Barbour county shall keep his office open at the court house in Clayton one week, and at the court house in Eufaula two weeks, during the three weeks next succeeding the completion of his sittings; Provided, he shall be entitled to a fee of fifty cents from each delinquent who, at any time after the completion of his sittings, makes returns at the office of the tax assessor, whether the tax assessor has made any demand on such delinquent or not. Duties of tax assessor.

Approved February 20, 1889.

No. 312.] AN ACT [H. B. 547

To regulate the fine and forfeiture fund of Elmore and Shelby counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all unpaid claims heretofore registered against the fine and forfeiture fund of Elmore and Shelby counties, Alabama, be regarded as regular, and that all such claims already registered, and all claims hererfter registered against said fine and forfeiture fund in said counties, shall be paid in the order of their registration by the county treasurer, without regard to whether they be official claims or States' witness certificates. Claims against fine and forfeiture fund.

SEC. 2. Be it further enacted. That all claims now or hereafter registered against the fine and forfeiture fund of Elmore and Shelby counties shall be receivable for any and all fines and forfeitures now or hereafter due said counties, without regard to the order of the registration of said claims. Receivable for fines, etc.

SEC. 3. Be it further enacted. That all laws or parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 20, 1889.

No. 313.] AN ACT [H. B. 593

To provide for working the public roads in Cleburne county by taxation.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever fifty or more resident house-
Petition for road tax election. holders and freeholders of Cleburne county shall petition the probate judge of said county, in writing, praying for an election on the subject of working the public roads of said county by taxation, it shall be the duty of the probate judge to order an election to ascertain the wishes of the qualified voters of the county on that subject, by giving thirty days notice in the usual way, as prescribed in the general election law of Alabama.

SEC. 2. Be it further enacted. That at said election those who are in favor of a road tax shall have written
Ballots. or printed, or partly written and partly printed on their ballots, "road tax," and those who are opposed to road tax shall have written or printed, or partly written and partly printed, on their ballots, "no road tax."

SEC. 3. Be it further enacted. That the returns of
Returns. any such election, under this act, shall be made in the same manner as provided for in the general election law of Alabama.

SEC. 4. Be it further enacted. That when the returns
Duty of judge of probate. of such election are so made and counted, and the result ascertained, if the majority of the qualified voters of the county, who voted at such election, voted for road tax, then it shall be the duty of the probate judge to publish the result of said election in some newspaper in the county, one time.

SEC. 5. Be it further enacted. That it shall be the duty of the commissioners of the county, at the August
Road tax. term next succeeding such election, and after the publication provided for in section four of this act, to proceed to levy a special tax to be known as "road tax," not to exceed one tenth of one per centum upon the value of all the taxable property in the county, both real and personal, to be assessed and collected as other State and county taxes.

SEC. 6. Be it further enacted. That it shall be the

duty of the county commissioners, at their first session, after the result of such election is published, to appoint three suitable men in each beat of the county, who shall be commissioned and sworn to faithfully discharge their duties, and to be known as road supervisors, whose duty it shall be, upon taking the oath of office, to meet at some suitable place in the beat, and proceed to lay off the public roads of the beat into road precincts, or road sections. Road supervisors.

SEC. 7. Be it further enacted, That all persons liable to perform road duty under this act, must perform said duty by working not less than five days, or may, in lieu thereof, pay into the county treasury, the sum of three dollars, and in default in the payment thereof, the said amount may be recovered by an action in the name of the county, before any justice of the peace. Must work road or pay three dollars.

SEC. 8. Be it further enacted. That the tax collector is hereby required to pay into the county treasury the taxes collected under this act under the same rules and regulations as other county ,taxes are, and the taxes raised under this act shall be expended alone in the beats where assessed and collected; Provided, that the taxes assessed and collected from railroads shall be distributed among the several beats of the county in the same proportion which the road tax in each beat bears to the railroad tax. Disposition of road tax money.

SEC. 9. Be it further enacted, At the February term of the commissioners' court next, the levy of such road tax, it shall be the duty of said commissioners' court after ascertaining the aggregate amount collected from each beat to notify at once the respective beat supervisors of the amount collected, and in the treasury for their respective beats, and upon receiving such notice by the commissioners, the road supervisors shall proceed at once to hold a meeting at some suitable place in the beat and apportion the money to their respective road precincts, having regard to the amount of work necessary to be done on the several roads in the beat; then it shall be their duty at once to give fifteen days notice by posting notices in at least three public places in the beat, to let out the working of the public roads to the lowest responsible bidder, not to exceed the amount, however, apportioned to each road precinct. Duties of commissioners and supervisors. Roads to be work'd by lowest bidders.

SEC. 10. Be it further enacted. That the contracts provided for in the preceding section shall be executed
Contracts. in writing and kept by one of the road supervisors; said contractor shall obligate himself to keep his road in good repair, and to furnish at his own expense such tools as may be necessary for such work. The supervisors shall have the authority to cancel any contract and dismiss the contractor when in their judgment the contractor fails to comply with his contract, and to keep his road in good order, and upon the dismissal of any contractor, they shall at once advertise as before and let that section of the road out again.

SEC. 11. Be it further enacted, That it shall be the
Inspection. duty of the road supervisors in each beat to exercise general oversight and supervision of the public roads in their respective beats, and to personally inspect the public roads once each month, and see that the roads and bridges are kept in good order and the general road law of the State is complied with, as to the width and grade.

SEC. 12. Be it further enacted. That at the end of each month the road supervisors shall issue to the con-
Payments. tractors, if they have complied with the contract, order or warrant on the county treasurer for the amount due him or them under the contracts, whereupon the county treasurer is required to cash that order or warrant.

SEC. 13. Be it further enacted. That the term of office of the supervisors provided for in this act shall be
Term of office. for two years and until their successors are elected and qualified, and that the contracts provided for in section nine of this act shall be for two years, and said contracts shall be let every two years in the same manner as already provided.

SEC. 14. Be it further enacted. That at the first meeting of the supervisors provided for in this act, they
President of board. shall elect one of their number, who shall be president of the board, and notify the county commissioners of such election, and the one so elected president shall be the one to whom official communication shall be had with the commissioners' court, and county treasurer ; and each road supervisor shall be allowed one dollar per day for the time actually engaged in their official duties, not to exceed in the aggregate of twenty

dollars in any one year each, and if between the ages of eighteen and forty-five years of age, and subject to road duty under the general laws of Alabama, to be exempted from the three dollars road tax provided for in this act. Compensation

SEC. 15. Be it further enacted. That each supervisor is hereby required, before he is entitled to his per diem, as provided for in this act, to make affidavit in writing before the probate judge of the county of the number of days he has spent in the discharge of his duties as road supervisor, and upon the presentation of such affidavit to the commissioners court they are authorized to issue their warrant upon the general road fund of the county for the amount due them. Affidavit.

SEC. 16. Be it further enacted, That the three dollars road tax provided for in this act shall not be assessed and collected until after the contracts are let by the road supervisors.

SEC. 17. Be it further enacted. That any supervisor failing or neglecting to perform his duty and allows the public road of his beat to be neglected so as to inconvenience the traveling public, shall, on conviction, be fined not less than ten nor more than fifty dollars. Penalty.

SEC. 18. Be it further enacted. That the present road law now in force in Cleburne county shall remain in force until the contracts are let which are provided for in this act, and then all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 20, 1889.

No. 314.] AN ACT [H. B. 367

For the relief of William P. Hick man, late county treasurer of Jefferson county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the court of county commissioners of Jefferson county, be and it is hereby authorized to pay and allow to William P. Hickman such additional compensation for the services heretofore performed by him as treasurer of said county during his last term as such county treasurer, as said court shall deem just Relief.

and proper; Provided, that the compensation to be allowed said William P. Hickman, under and by virtue of this act, when added to the compensation already received by him as such county treasurer, shall not exceed in the aggregate the sum of three thousand dollars in any one year of his said term of office.

Approved February 20, 1889.

No. 315.] AN ACT [H. B. 764

To re-enact sections 3286, 3287 and 3288 of the Code of 1876, as to the county of Lamar.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sections 3286, 3287and 3288 of the Code of 1876, which roads as follows, to-wit: Section

Crop lien. Section 3286, whenever advances in horses, mules, oxen, or necessary provisions, fanning tools and implements, or money to purchase the same, shall be made by any person to any other person in this State, and such advances be obtained by the latter to enable him to make a crop, and it shall be declared in a written note or obligation for the same, given by the person to whom such advance is made, that the same was obtained by him bona fide for the purpose of making a crop, and that without such advance it would not be in the power of such person to procure the necessary team, provisions and farming implements to make a crop, the advance so made, or the amount thereof, shall be a lien on such crop, and the stock bought or furnished with the money so advanced; and such lien shall have preference of all other liens, except that for the rent of the land on which such crop was made, and that for advances by the landlord to make the crop.

Section 3287. Any person taking a lien on the crop for

Must be recorded. advances as set for the in the preceding section must have the same recorded in the office of the judge of probate of the county in which the person to whom the advance is made resides, within sixty days from the making of the same; and if thee fails to have the same recorded, the lien shall be considered lost or forfeited.

Section 3288. Any person having a lien on the crop

and stock of another for advances to assist in making the crop, shall have the same rights and remedies to enforce such lien as landlords have in this State for the collection of rents, be and the same are hereby re-enacted so far as relates to Lamar county. Same as landlord's lien.

SEC. 2. Be it further enacted. That all laws or parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 20, 1889.

No. 316.] AN ACT [H. B. 645

To declare J. T. Caine, a liner between the counties of Dallas and Perry, a citizen of Dallas county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That J. T. Caine, who resides at or near the line between Perry and Dallas counties, is hereby declared to be a citizen of Dallas county. J. T. Caine a citizen of Dallas.

SEC. 2. Be it further enacted. That all taxes now accrued or to hereafter accrue on lands owned by said J. T. Caine which are situated in Perry county in the distance of three-fourths of a mile from the dividing line between said Dallas and Perry counties, shall be paid to the tax collector of said Dallas county, and his receipt shall be a full acquittance therefor, and said lands shall hereafter be assessed by the assessor of said Dallas county.

Approved February 20, 1889.

No. 317.] AN ACT [H. B. 381

To regulate the taking up and impounding of stock, owned by parties residing in non-stock districts of Pike county, that may be taken up in stock districts of Pike county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act it shall be unlawful for any party or parties residing in any stock district of Pike county to take up and impound any stock Taking up stock in Pike.

that may have come from districts of Pike county in which stock are permitted to run at large ; Provided,, however, that the provisions of this act shall not apply to stock districts enclosed by or separated from non-stock districts by a lawful fence.

Approved February 20, 1889.

No. 318.] AN ACT [H. B. 457

To authorize the mayor and councilmen of the town of Greensboro to issue bonds to take up the outstanding bonded indebtedness of said town, and to provide sewerage and water for said town.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate authorities of the town of Greensboro, Alabama, be and the same are hereby duly authorized and empowered to issue bonds of said town to an amount not exceeding fifteen thousand dollars, or so much thereof as may in their judgment be necessary, and to sell the same for cash, the proceeds to be exclusively applied to paying off and retiring the present outstanding indebtedness of said town, and to providing sewerage and water supply by artesian well or wells or otherwise for said town.

Bonds.

SEC. 2. Be it further enacted. That said bonds be issued in denominations of not less than one hundred dollars, with coupons attached, signed and numbered to correspond with said bonds, showing the amount of interest. Said bonds shall run thirty years, shall bear interest at not more than six percent, per annum, payable semi-annually ; said bonds and coupons to be payable in said town at the office of its treasurer; Provided,, that none of said bonds shall be sold or hypothecated by said corporate authorities for less than one hundred cents on the dollar.

How to be issued.

SEC. 3. Be it further enacted, That the faith and credit of said town of Greensboro shall be, and is hereby pledged for the payment of the interest on said bonds as the same shall accrue, and for the payment of the principal at maturity, to meet which, the said corporate authorities shall, and it is hereby made their duty to set apart out of the general revenues of said town such sum

Payment of.

as may be necessary, and the bonds herein provided for shall have priority over any that may be hereafter issued, and it shall be the duty of said corporate authorities of the town of Greensboro to provide, for the payment of the same, principal and interest, before providing for the payment of bonds which may hereafter be issued by said town.

SEC. 4. Be it further enacted, That the bonds authorized to be issued under the provisions of this act shall be exempt from all county and municipal taxation.

SEC. 5. Be it further enacted, That the coupons to said bonds shall, when due, be receivable in payment of all dues and taxes to said town at their par value.

SEC. 6. Be it further enacted. That the bonds authorized to be issued under the provisions of this act shall be signed by the mayor and countersigned by the treasurer of said town, and the seal of said town shall be hereto affixed, and the said treasurer shall keep a correct record and account of all the bonds issued and disposed of under this act. Duties of mayor and treaurer.

Approved February 20,1889.

To. 319.] AN ACT [s. 22

To amend an act entitled an act to release the Tennessee and Coosa Railroad Company from its indebtedness to the State of Alabama.

SECTION I. Be it enacted by the General Assembly of Alabama, That section one of an act of the General Assembly of Alabama, passed March 2, 1870, entitled "An act to release the Tennessee and Coosa Railroad Company from its indebtedness to the State of Alabama,". which section of said act reads as follows : Section 1. Be it enacted by the General Assembly of Alabama, that the Tennessee and Coosa Railroad Company be, and they are hereby released and discharged from all obligations, bonds, claims and demands, due from said company to the State of Alabama by reason of any appropriation to said road of the two and three per cent. funds or any part thereof, and the said portions of said funds heretofore appropriated to said road are hereby donated to the Time to complete road extended five yrs.

same. Provided, The said railroad shall be completed in two years from the date of the approval of this act ; Provided, That nothing in this act contained shall be so construed or held as to make the State of Alabama responsible or bound to any other company for the portions of the said two and three per cent. fund hereby released and granted to said Tennessee and Coosa Railroad Company, and the State hereby quit claims and releases to said Tennessee and Coosa Railroad Company all its rights and title to said two and three per cent. funds heretofore appropriated to said railroad company; Provided further, tha,t the said company shall receive no further aid from the State of Alabama, by the endorsement of its bonds or otherwise, be amended to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, that the Tennessee and Coosa Railroad Company be, and they are hereby released and discharged from all obligations, bonds, claims and demands due from said company to the State of Alabama, by reason of any appropriation to said road of the two and three per cent. funds or any part thereof, and the said portions of the said funds heretofore appropriated to said road are hereby donated to the same ; Provided, the said railroad shall be completed in five years from the date of approval of this amendment; Provided, that nothing in this act contained shall be so construed or held as to make the State of Alabama responsible or bound to any other company for the portions of the said two and three per cent. fund hereby released and granted tp said Tennessee and Coosa Railroad Company, and the State hereby quit-claims and releases to said Tennessee and Coosa Railroad Company, all its rights and title to said two and three per cent. funds heretofore appropriated to said railroad company ; Provided further. That the said company shall receive no further aid from the State of Alabama by the endorsement of its bonds or otherwise.

Approved February 19, 1889.

No. 320.] AN ACT [s. 101]

To amend a charter for the town of Louisville in Barbour county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate government of the town of Louisville shall consist of an intendant, five councilmen, and one marshal, who shall be elected annually on the first Monday of January of each year by the qualified voters of said town ; and said corporation shall be known as, and styled, "'The Town Council of Louisville," and by that corporate name may sue and be sued, contract and be contracted with, sell, buy, grant, and hold real and personal property, and do all other acts incident to municipal corporations, not inconsistent with the constitution and laws of this State. Charter. Frivileges.

SEC. 2. Be it further enacted, That the corporate limits of said town shall embrace all the territory within two thousand yards square, the building now occupied by James A. Lampley, as a store house in said town, being the center of said square. Limits.

SEC. 3. Be it further enacted, That the next election held, shall be held on the first Monday in January, 1890, under rules and regulations prescribed by the present town government, as existing under the general law providing for the incorporation of towns; and afterwards such elections shall be held under rules and regulations to be prescribed by the town council as organized hereunder. At such election the male inhabitants of said town, who have resided therein for three months next preceding such election, and are otherwise qualified voters, under the State law, to vote in State and county elections, are qualified voters and shall be allowed to vote. No person not eligible as a voter, shall be deemed eligible to hold an office in such town council. The sitting board of councilmen are to declare what persons are elected at such elections, and are to be the judges before whom all matters of contest, growing out of the same, are triable. Elections.

SEC. 4. Be it further enacted, That the members elected to said town council shall, before entering upon the duties of their office, take and subscribe to the oath prescribed by the State law to be taken by persons elected under the State laws to office. Oath of office.

SEC. 5. Be it further enacted, That said town council shall have full power and authority to define the duties and regulate the compensation of its members, and fill vacancies in the board; and, further, it shall have full power and authority to appoint such subordinate officers as is nececsary for the proper enforcement of the town laws, prescribe their duties, fix their compensation, and remove them from office in such manner as they may provide, when, in their opinion, it may be for the good of the town. Further, said town council shall have authority to remove any member thereof, for any of the causes now provided by the statutes of the State, as a cause of impeachment and removal from office, of any officer holding office under the State.

Town government.

SEC. 6. Be it further enacted, That said town council shall have full power and authority to pass such by-laws and ordinances for the government of said town as may be deemed necessary, not inconsistent with the laws and institutions of this State, and affix penalties for the violation of the same, by way of fines and imprisonment in the common guard house of said town, or hard labor on the streets of said town, said fines not to exceed fifty dollars in amount, and said hard labor not to exceed thirty days in duration, for any one offense.

Penalties.

SEC. 7. Be it further enacted, That said town council shall have full power and authority, within the limits of said town, to license, tax, regulate and restrain all shows, theatrical performances, lectures and exhibitions; to license or tax peddlers, to license or tax lotteries, raffles and gift enterprises, or undertakings of like character; to license or tax auctioneers in a sum not exceeding ten dollars; to license the disposing of liquors by retail in a sum not exceeding five hundred dollars ; to license the disposing of liquors by wholesale in a sum not exceeding three hundred dollars; to license or tax drays, hacks, omnibuses or other vehicles running for liire, in a sum not exceeding ten dollars each; to license or tax hotels, eating houses, eating saloons, restaurants and private boarding houses, in a sum not exceeding twenty-five dollars; to license and tax barbers, lawyers, dentists, physicians and druggists practising their callings, in a sum not exceeding ten dollars; and also to determine what may constitute a hotel, eating saloon, restaurant or private boarding house ; and further, to license or tax all other callings, trades, oc-

License.

cupations, professions or business that are taxed or licensed under the revenue laws of the State.

SEC. 8. Be it further enacted, That said town council shall have full power and authority in said town to suppress gambling and gambling houses, and houses of ill fame; to abate nuisances, and to establish a fire department and regulate the operations of the same ; to open and establish new streets and alleys, or discontinue the same; to establish and define a fire limit, and prescribe the kind of houses that may be built therein ; and generally do and perform such other acts as are necessary to carry out the objects' and purposes of its creation, not inconsistent with the laws and institutions of this State. Other powers.

SEC. 9. Be it further enacted. That said town council shall have full power and authority in said town, to levy, assess and collect upon all real property in said town an annual tax of not more than five mills on the dollar, on the valuation thereof as assessed for State and county taxation, at the last State and county assessment next preceding the assessment made by the authorities of said town, and a like tax upon all personal property and other property taxable under the laws of this State, for State and county purposes, the sites of which is in said town. Taxation.

SEC. 10. Be it further enacted, That said town council shall keep in repair the streets, sidewalks and alleys of said town, and, to this end, is authorized to require each male inhabitant of said town under the age of fifty years and over the age of eighteen years, not physically disabled, to perform labor upon said streets for a period of not more than ten days each year, and may collect in lieu of such labor a street tax of not more than five dollars; and shall have full power and authority to require the owners of real property situated adjacent to the sidewalks in said town, to build and keep the said sidewalks in repair, in accordance with the requirements of the ordinances of said town; and shall have full power and authority to enact by-laws and ordinances in reference thereto, providing for the building and repairing thereof by the town council, to be taxed against and collected out of such adjacent property, on the failure of the owners to build or repair the same, on notice from the town council to do so. Working streets. Sidewalks.

SEC. 11. Be it further enacted, That for the trial of

Intendant ; duties of. violation of town ordinances, a court to be presided over by the intendant, and in his absence, by an intendant pro tem, shall be established and regulated by the ordinances of said town, which court shall nave authority to enforce obedience and respect to its orders, decrees and judgments, that is incidental to courts of justice in this State. The intendant shall, on qualifying and giving bond, have all the powers and authority of a justice of the peace, and his jurisdiction shall be co-extensive with the corporate limits of said town ; and the marshal or executive officer of said town, sliall have full power and authority to arrest all violators of town ordinances without warrant, and in default of bail, commit them to the guard house to await trial before the intendant.

Marshal.

SEC. 12. Be it further enacted, That upon the completion of the assessment of property for taxes by the authorities of said town, the said council shall appoint a day and give due notice thereof, to hear complaints and correct errors in such assessment; the same shall be a lien upon the property so assessed for the amount of the taxes due from such tax payer, and such lieu shall be enforcable by levy and sale, in the manner in which the State lien for taxes is enforced.

Assessments for taxes.

SEC. 13. Be it further enacted, That all laws in confict herewith, be and the same are hereby repealed.

Approved February 20, 1889.

No. 321.] AN ACT [s. 206

To authorize the Decatur Land Improvement and Furnace Company to retire and cancel certain stock herein named.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Decatur Land Improvement and Furnace Company ia authorized to retire and cancel the two millions and five hundred thousand dollars of its capital stock known as "Treasury stock," which was donated by the subscribers for the stock of said company, the stockholders of said company assenting to such retirement and cancellation.

Stock cancelled.

Approved February 20,1889.

No. 322.] AN ACT [s.232

To incorporate the Marion Military Institute in Marion, Perry county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That J. T. Murfee, T. G. Bush, O. M. Reynolds, B. F. Ellis, J. B. Lovelace, W. W. Wilkerson, and L. L. Lee, the present trustees of the Marion Military Institute, and their successors in office, be and they are hereby constituted a body corporate by the name and style of The Trustees of Marion Military Institute, and by that name and style shall have full power and authority to sue and be sued, to plead and be impleaded in all kinds of actions in law or equity; to have a common seal with such device or devices as they may deem best, and the same to break, alter or renew at pleasure ; to receive donations, devises and bequests, and to acquire property, real and personal, the same to have and to hold for the purpose and benefit of said institution, and to sell, alien, and dispose of such property for such purposes and benefits ; and also to borrow money and raise funds for the benefit and purposes of said institution and to secure all indebtedness by mortgage on said property; except, however, and it is hereby expressly provided and declared that said corporation shall have no power or authority to sell, alien, mortgage, or to incumber in any way, the property dedicated to and for educational purposes and uses by the deed of dedication executed by W. W. Wilkerson and his wife, and J. B. Lovelace and his wife, to J. T. Murfee, dated the third day of July, 1888, and recorded in the office of the judge of probate of Perry county, Alabama, which property, described in and dedicated by said deed, is now in the possession of and held by said trustees under the said deed, but the said property shall forever remain dedicated to, and for educational purposes and uses, as dedicated and provided for in and by said deed of dedication.

Corporation.

Powers.

SEC. 2. Be it further enacted, That said trustees are hereby constituted a board of trustees for said institution, and shall elect one of their number to be president of the board; and that said board of trustees

Trustees ; duties of.

shall have full power and authority to pass all such by-laws, rules and regulations as they may deem expedient for their own proceedings and for the good government of said institution and of the students thereof; Provided, that the same shall not be repugnant to the constitution and laws of this State or of the United States.

SEC. 3. Be it further enacted, That the head of the institution shall be styled the Superintendent, and the instructors the Professors thereof, all of whom shall be appointed as the board of trustees may see fit, and to the end that the said Marion Military Institute shall be an institution of learning of the first class and high grade, no one but a professional educator of known ability and successful experience shall be eligible to the office of superintendent thereof. The superin-

Faculty. tendent and professors shall be styled the Faculty of Marion Military Institute, and shall have such authority and power of enforcing by-laws, rules and regulations for the good government of the students as may be conferred upon them by the board of trustees.

SEC. 4. Be it further enacted, That the trustees shall have full power, by the superintendent or professors of

Degrees, diplomas, etc. said institution, to grant or confer such degree or degrees in the arts and sciences to any of the students of the institution, or any person by them deemed worthy, as are usually granted and conferred by colleges or universities in the United States, and to give diplomas or certificates thereof signed by the president of the board of trustees and the superintendent of the institution, and^sealed with the common seal of the trustees of the institution, to authenticate and perpetuate the memory of such graduation and of the granting and conferring of such degree.

SEC. 5. Be it further enacted, That there shall be a stated meeting of the board of trustees in each year at

Meetings. the time of conferring degrees, and there may be other meetings of the board of trustees at such times as they may appoint; and the president of the board shall have power to call an occasional meeting of the board of trustees whenever it shall appear to him necessary, and it shall be his duty to call a meeting of the board whenever required to do so by any three members of the board.

SEC. 6. Be it further enacted, That a majority of said board of trustees shall constitute a quorum for the transaction of business; that said board of trustees may elect or appoint a secretary and treasurer and all such other officers as they may deem necessary and proper, and prescribe the duties of each; and may appoint all necessary committees and agents, and shall have full power and authority to do all things necessary and proper to be done to carry the objects and purposes of this act into full and complete effect.

Trustees to elect officers.

SEC. 7. Be it further enacted, That whenever a vacancy occurs in said board of trustees by the death, resignation, removal from the State, or other sufficient cause, of any member of the board, the remaining members shall, as soon thereafter as may be, elect a suitable person to fill the vacancy ; and such elections shall be so made as to have and keep four of the members of the board of trustees, members of the Baptist church in Marion, called Siloam Baptist church, and the other three members shall be from other portions of the State.

Vacancies.

SEC. 8. Be it further enacted, That said board of trustees shall have the power of fixing the salaries of all officers connected with the institution, and of removing them, or any of them, for neglect, incompetency or misconduct in office; and shall also have power to define the rates of tuition and to increase or diminish the same at pleasure, and to expel any student or students from the institution whose disobedience or misconduct shall be such as to render him or them unworthy to be a student or students in said institution.

Salaries, removals, tuition, etc.

SEC. 9. Be it further enacted, That said corporation shall have power and authority to receive subscriptions, donations, devises, bequests and grants to the amount of two hundred and fifty thousand dollars for the endowment of said Marion Military Institute, and such endowment funds and property shall be kept distinct and separate from all other funds and property of the corporation ; the said funds shall be invested to the best advantage practicable in good safe and sound securities, and the said property shall be managed or disposed of to the best advantage practicable for income.

Endowment funds.

SEC. 10. Be it further enacted, That so long as the property, real and personal, of said corporation, shall be used for educational purposes, the same shall be exempt from taxation of every kind.

Exempt from taxation.

SEC. 11. Be it further enacted, That the location of said Marion Military Institute is hereby fixed in Marion, Perry county, Alabama, and upon the land described in said deed of dedication herein before referred to.

Location.

Approved February 20,1889.

No. 323.] AN ACT [s. 301

To amend the charter of the Age-Herald Company; to ratify and confirm all its acts and doings under said charter; to ratify and confirm the issue by it of preferred stock, and to confer upon it additional powers.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the Age-Herald Company, heretofore effected by and under proceeding filed under the general laws of the State of Alabama, in the office of the probate judge of Jefferson county, Alabama, for the objects and purposes, and with the rights and powers set forth in said proceedings, be and the same are hereby, in all respects, ratified and confirmed; and all acts of the Age-Herald Company, its stockholders and officers thereunder, are hereby confirmed.

Corporation; acts ratified & confirmed.

SEC. 2. Be it further enacted, That in addition to the powers given to the Age-Herald Company, and declared and set forth in said proceedings and hereby confirmed, and in addition to those hereinafter confirmed, the said Age-Herald Company shall have and possess all the rights, powers, privileges, franchises and immunities now or hereafter conferred by law on bodies corporate, and be subject to all the liabilities now or hereafter imposed by law upon bodies corporate.

Powers.

SEC. 3. Be it further enacted, That the said Age-Herald Company is hereby authorized and empowered

to print, publish and circulate an evening daily as well as a morning daily newspaper.

SEC. 4. Be it further enacted, That said Age-Herald Company is hereby authorized and empowered to acquire, own, hold, sell or otherwise dispose of stocks in or bonds of any other corporation.

SEC. 5. And be it further enacted, That the action of said Age-Herald Company in ordering the issue of and in issuing one hundred thousand dollars of its preferred stock and in providing for the payment of a six per cent. dividend on such preferred stock before any dividend shall be paid on the remaining one hundred thousand dollars of its common stock, as well as all acts and doings of said company in relation thereto, be and the same are hereby, iu all things, ratified, approved and confirmed. Preferred and common stock.

Approved February 19, 1889.

No. 324.] AN ACT [s. 368

To allow the hunting and killing of deer in certain portions of Perry county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be lawful for any person at any and all times to hunt and kill deer in that portion of Perry county lying east of the Cahaba river. Deer hunting.

Approved February 19, 1889.

No. 325.] AN ACT [s. 238

To relieve John Sanders, a minor, in the county of Monroe, of all the disabilities of a minor.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act John Sanders, a minor, residing in the county of Monroe, be and he is hereby relieved of all the disabilities of non-age; and be and he is hereby invested with the right to sue and be sued, contract and be contracted Relief.

with, to buy, sell and convey real estate, and to do and perform all acts which he, the said John Sanders, could lawfully do if twenty-one years of age.

Approved February 23, 1889.

No. 326.] AN ACT [H. B. 421

For the relief of the heirs of Daisy Hardie, deceased.

Whereas, Daisy Hardie, wife of Robert A. Hardie, of Perry county, Alabama, has departed this life intestate, leaving a considerable estate in lands and personal property in Perry county, Alabama, which was mortgaged by her in her life time to secure debts due by her ; and

Whereas, said mortgage debt which now amounts to about ten thousand dollars is now due, and

Whereas, the foreclosure of said mortgage will sacrifice her said estate, and the rights and interests therein of her three minor children, John, Robert and Joseph ; and

Whereas, her husband Robert A. Hardie, by his management of said estate since the death of his wife, said Daisy Hardie, has largely reduced the indebtedness thereof, and by keeping said estate together and managing the same, can- still further reduce the indebtedness and save something for the heirs at law ; and

Whereas, in the opinion of the General Assembly it is for the interest of said minor heirs that said Robert A. Hardie, father and natural guardian of said minor children John, Robert and Joseph, should have and exercise the rights, powers and privileges hereinafter conferred upon him, therefore,

Powers conferred on Robt. A. Hardie, as guardian.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Robert A. Hardie, husband of the late Daisy Hardie, deceased, and father and natural guardian of John, Robert and Joseph Hardie, minor children of said Daisy Hardie, who are the heirs at law of said Daisy Hardie, deceased, be and he is hereby authorized to borrow money, for the purpose of paying the debts of said estate, and to secure the same may

mortgage all or any of the property of said Daisy Hardie, deceased, if in his opinion such cause shall be to the interest of said estate, and may also renew or extend any mortgage made by the decedent in her life-time, and any such mortgage or extension of a mortgage shall be as valid and binding in all respects as if legally executed by the decedent in her life time.

SEC. 2. Be it further enacted, That in event said Robert A. Hardie shall find it not to the interest of said minors to borrow money to pay the debts of said estate and mortgage, the same to secure such loans, or to renew any existing mortgage, it shall be lawful for said Robert A. Hardie, and he is hereby invested with full power and authority, to sell all or any of the estate of said Daisy Hardie, whether real or personal, for the payment of debts, in such manner and at such times, and upon such terms as to him shall seem most advantageous, and a conveyance or conveyances by him shall vest in the purchaser or purchasers all the right, title and estate said Daisy Hardie had in and to the property at the time of her death, and all the right, title and interest of said minor heirs therein, and of all other persons claiming by, through or under them, and shall be valid to all intents and purposes as if duly and lawfully made by said decedent in her life time.

Approved February 23, 1889.

No. 327.] AN ACT [s. 199

To repeal an act entitled "An act to raise a fund for the benefit of the fire companies in the city of Mobile."

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved March 1, 1870, be and the same is hereby repealed; Provided, That the repeal of said act shall only apply to the city of Mobile, and shall in no manner affect its operation so far as it is made applicable to the fire companies of the city of Montgomery, as

Act repealed.

provided in an act to declare the meaning of an act to extend to the fire companies in the city of Montgomery the benefit of the provisions of an act to raise a fund for the benefit of the fire companies in the city of Mobile, approved February 26, 1872, approved February 27,1873.
Approved February 20,1889.

No. 328.] AN ACT [s. 220

To provide a fund to be used exclusively for tho support of a paid fire department in the city of Mobile.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall not be lawful for any insurance company to take or receive any premium within the city of Mobile, or at any point in thp county of Mobile on property insured and located in the city of Mobile, against fire or any river or marine risk, or to open an office in the city of Mobile, unless such insurance company first pay into the city treasury or to the officer designated by the mayor and council of the city of Mobile, for the exclusive use of the support of a paid fire department in the city of Mobile, the sum of two hundred and fifty dollars, and a like sum on the expiration of twelve months, and annually thereafter so long as they may continue to take or make insurance, or open an office for that purpose; Provided, that this tax shall not apply to any company or agent, until the expiration of the time for which they have paid a tax of $200.00 to the late fire department of Mobile, under act approved March 1st, 1870 ; and provided further, that this tax or license of $250.00 shall be all the tax or license required by said city of Mobile of said insurance companies, during each fiscal year.

Tax on insurance business in Mobile.

SEC. 2. Be it further enacted, That all sums paid in under the provisions of this act, shall be used exclusively for the support of a paid fire department in the city of Mobile, to be paid out under such rules and regulations as the mayor and council of the city of Mobile may establish.

For support of fire departm't.

SEC. 3. Be it further enacted, That said city authorities of the city of Mobile shall make semi-annual statements of all receipts and disbursements of all funds arising out of this tax, and shall publish the same one time in some newspaper published in the city of Mobile, Alabama. Publication.

SEC. 4. Be it further enacted, That all insurance companies violating the provisions of the first section of this act, shall forfeit to the city of Mobile, Alabama, the sum of one thousand dollars, to be recovered against the company so violating the provisions aforesaid, or their agents by suit brought in the name of the city of Mobile. Penalty.

SEC. 5. Be it further enacted, That all laws and parts of laws in conflict herewith, so far as the same apply to the city and county of Mobile, Alabama, be and the same are hereby repealed.

Approved February 21, 1889.

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No. 329.] AN ACT [s. 355

To prohibit stock from running at large in a part of beat seven, in Lee county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the expiration of sixty days from the passage of this act, it shall be unlawful for any person to allow any domestic animal to run at large in the following territory in Lee county, Alabama, to-wit: Beginning at the south-west corner of beat two, in said county, and extending south for three miles along the eastern line of beat six, thence east six miles along section lines to beat nine, thence north along beat lines for three miles, thence west six miles to the starting point. Stock law district.

SEC. 2. Be it further enacted, That if the owner of any stock shall willfully permit the same to go on the land or crops of another without the consent of the owner of said land or crops, he shall be guilty of a misdemeanor, and, on conviction, shall be fined not more than fifty dollars. Penalty.

SEC. 3. Be it further enacted, That the term stock,

Stock. or domestic animals, in this act, shall include horses, mares, mules, jacks, jennies, colts, geldings, stallions, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

SEC. 4. Be it further enacted, That for any damage committed by stock running at large in such prohibited
Damages. territory, the owner of such stock shall be liable to the injured party to the amount of the damage, and if the owner of such stock knowingly permits his stock to commit such damage, then he shall be liable to twice the amount of such damage, to be recovered before any court having jurisdiction in the name of the injured party, and any judgment for damages recovered in such suit shall be a lien on the stock so committing the damage, and the court, in entering judgment, shall enter therein an order that the officer executing the writ of execution shall seize and sell said stock for the satisfaction thereof, and the costs of court.

SEC. 5. Be it further enacted, That the suits for damage, where the amount claimed does not exceed
Trials. one hundred dollars, and prosecutions provided for in this act, may be tried before any justice or notary public with justice jurisdiction in the beat, where the offense or damage occurs, with the right of appeal, as in other cases; if the justices or notaries public in said beat are incompetent, then in the adjoining beat where no such objection exists. For such prosecutions and trials, said justices' courts shall be always open, but three days notice shall be given the opposite party.

SEC. 6. Be it further enacted, That whenever any
Retention of stock for damages. of such damage as mentioned in this act occurs, it shall be lawful for the injured party to confine the stock causing the same, if taken up before the said stock has left his premises, and hold said stock until said damages are paid by the owner, if the amount can be agreed on by the parties. If they disagree, and the injured party fails to institute suit in two days after such disagreement, he must deliver said stock to the owner on demand, and failing so to do, forfeits all claim for damages; but if he institutes suit within said time, he is authorized to hold said stock until the trial is had, unless the owner gives bond, with sufficient security—payable to the injured party—in the sum of twenty-five dollars, conditioned to pay

such judgment as may be rendered against him in thirty days, and if the plaintiff recovers damages, he shall also be entitled to judgment for the costs of court, and for feeding said stock. But if the defendant has tendered the bond herein provided for to the injured party, and s.aid court shall consider it sufficient, and the plaintiff has refused to accept the same, he shall not be allowed costs for keeping said stock, and feeding the same. All suits and prosecutions under this act shall be commenced in sixty days and not after.

SEC. 7. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed. And in any election hereafter held in beat seven, on the stock law question, the prohibited territory described in the first section of this act shall not be affected.

Approved February 19, 1889.

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No. 330.] AN ACT [H. B. 333

To change the mode of paying the judge of probate, in the county of Lowndes.

SECTION. 1. Be it enacted by the General Assembly of Alabama, That the judge of probate of the county of Lowndes, shall be paid twenty-four hundred dollars ($2,400.00) a year, which amount shall be in full payment for all duties performed by him as such judge of probate, and as judge of the county court; it being the express intent of this act that out of this sum the said judge shall pay all his assistants and other expenses of the probate office, of whatever rature or kind, except necessary books and stationery. The said amount shall be paid to the judge of probate, out of the county treasury of said county, by the treasurer thereof, in equal quarterly installments. Salary to judge of probate.

SEC. 2. Be it further enacted, That no quarterly payment shall exceed the amount paid into the treasury by said probate judge, during the preceding quarter, but any deficiency in a quarterly payment shall be paid out of any excess of the amount paid by him into

the county treasury during any succeeding quarter over the amount of the succeeding quarterly payment; and the whole annual salary of said probate judge, shall in no case exceed the amount paid by him into the county treasury during the current year.

SEC. 3. Be it further enacted, That this act shall go into effect from and after the expiration of the term of the present incumbent.

Approved February 23, 1889.

No. 331.] AN ACT [s. 334

To dispose of the fees, commissions, and allowances or salary allowed by law to the judge of probate in the county of Lowndes.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the judge of probate of the county of Lowndes, shall collect all fees, commissions, and allowances or salary allowed by law to judges of probate (including his fees as judge of the county court) in the manner provided for by the laws of this State, and shall on the last secular day of every month, pay the same into the treasury of said county of Lowndes.

All probate fees to be paid into the county treasury.

SEC. 2. Be it further enacted, That for a willful failure to execute the provisions of this act, the judge of probate of said county of Lowndes Shall be guilty of a misdemeanor, and on conviction, shall be fined not less than five hundred dollars.

SEC. 3. Be it further enacted, That this act shall go into effect from and after the expiration of the term of office of the present incumbent.

Approved February 23, 1889.

No. 332.] AN ACT [s. 229

To incorporate the Birmingham Female College.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a female college of high grade, be and

the same is hereby legally created, to be established in the county of Jefferson, near the city of Birmingham, on the property of Rose W. Owen, or partly on that of the said Kose W. Owen, and partly on the adjoining lands of the Walker Land Company, to be known as the Birmingham Female College. Birmingham female college.

SEC. 2. Be it further enacted, That W. C. McCoy, W. A. Walker, Jr., Rose W. Owen, George M. Morrow, Fred Sloss, Evan Nicholson, Samuel E. Greene, Alfred Eubank, V. O. Hawkins, C. B. Riddick and Thos. F. Greene, and their successors in office, be and the same are hereby constituted a body corporate to be known by the name and style of trustees of the Birmingham Female College ; and by that name and style, shall have perpetual succession; may sue and be sued, may plead and be impleaded, as natural persons ; may own and hold property, both real and personal, acquiring the same by donations, bequests, devises, by lease or purchase ; may receive, in like manner, stocks, bonds, choses in action, or moneys, to hold and use the same for the benefit of said Birmingham Female College. The said trustees shall have power, also, to sell, lease out or mortgage, the real or personal property, stocks, bonds, choses in action, of said corporation, and to loan or borrow money ; Provided, that in making titles to real estate (by authority of themselves), the same shall be signed by the president of the board and countersigned by the secretary. Corporators. Powers.

SEC. 3. Be it further enacted, That the trustees shall elect from themselves, as often as once in every two years, a president, and a secretary, and shall, in case of a vacancy in either office, promptly fill the same; and may elect at will such other officers, and appoint such agents, and employ such employees, as they may deem necessary, to the proper organization and management of the trust herein confided, with power to control or dismiss any of the agents, employees, teachers, or professors, to be exercised, however, in subordination to the laws of Alabama. They shall have power, by a majority vote of the whole number, to designate the least number that shall constitute a quorum, and the condition of their acting (if less than a majority); may fill all vacancies that may occur from death, resignation, or otherwise; may have and use a corpo- Trustees and their duties.

rate seal, with further power to do and perform whatever is legally done by like corporations in this State; the same to be used in a lawful way, for the estbalishment, perpetuity, and prosperity of the said Female College.

SEC. 4. Be it further enacted, That the said trustees shall elect the professors and teachers, one of whom they shall make president; which said president, professors and teachers, so elected shall constitute the faculty of said female college.

Faculty.

SEC. 5. Be it further enacted, That the faculty of said college, under the supervision of the trustees, may instruct in any of the arts and sciences ; may grant diplomas, certificates of scholarship, and may confer such degrees of literary or scientific distinction as are usually conferred by female colleges in the United States.

Diplomas, etc.

SEC. 6. Be it further enacted, That said trustees shall have full power to adopt a code of by-laws for the government of said college, as also a code for the government of themselves, and to alter or amend the same ; with power to make such rules and regulations as they may deem best; Provided, such by-laws, rules and regulations be consistent with the constitution and laws of Alabama.

By-laws.

SEC. 7. Be it further enacted, That said trustees may procure an endowment fund for said female college, or for any chair or professorship therein ; the interest on which alone shall be expended, said fund to be under the control and management of themselves.

Endowment.

SEC. 8. Be it further enacted, That no misnomer or misdescription of this corporation in any will, deed, gift, grant, devise or other instrument of conveyance in favor of this corporation, shall, in any wise, defeat or vitiate the same ; Provided, there be sufficient clearness in the instrument to reveal the intention of the party or parties signing the same.

SEC. 9. Be it further enacted, That said trustees shall have power to establish, also, in connection with the literary and scientific, an industrial department ; to equip, organize, maintain and operate the same, and they may procure a special endowment fund for said department.

Industrial department.

SEC. 10. Be it further enacted, That this said cor-

poration may acquire, own and use property, real and personal, not to exceed in amount the sum of two hundred and fifty thousand dollars ($250,000), not including the endowment funds that may be procured ; and the said property hereby authorized to be owned and used, with any endowment funds, shall be exempt from taxation, whether State, county, or municipal.

Exempt from taxation.

SEC. 11. Be it further enacted, That the trustees of said Birmingham Female College shall have the power to assign and convey, without cost or charges, the buildings of said college, together with all the property, real and personal, including endowment funds, money, subscriptions, stocks, bonds, choses in action, and assets of every kind, that may belong to this said corporation unto the Methodist Episcopal Church, South, to be under the control and management of the North Alabama Conference of the said Methodist Episcopal Church, South, on such conditions as shall be mutually agreed on; Provided, that the said North Alabama Conference shall be obligated to never divert said property from its intended use, as herein provided for, but to faithfully maintain, control and operate the said Birmingham Female College in the interest of female education, in pursuance and by authority of the provisions of this act.

Trustees may convey to M. E. Church, So.

SEC. 12. Be it further enacted, That the number of said trustees shall not be less than nine nor more than thirteen ; and until the above named assignment be made to the M. E. Church, South, the said trustees may increase their present number at will, not to exceed thirteen. After such assignment, tne said North Alabama Conference shall fix and may thereafter regulate the number of trustees within the aforesaid limits, and shall elect the trustees of said college, but at such times and in such manner as the conference may choose ; Provided, that the entire board or membership of trustees shall be elected at least once in every three years. The trustees of said female college shall remain in office and continue to perform the duties thereof until their successors shall be elected and installed.

SEC. 13. Be it further enacted, That this act shall be deemed a public act, and shall be judicially taken notice of, without being specially pleaded.

Approved February 19, 1889.

No. 333.] AN ACT [s. 267

To amend section three (3) of an act entitle d "an act to amend section two (2), and section sixteen (16) of an act to incorporate the town of Livingston in Sumter county," approved January 25, 1867, and to amend section one (1) of an act to define the corporate limits of the town of Livingston, in Sumter county, Alabama, approved February 24, 1872," approved January 16, 1877.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section numbered three (3) of an act entitled an act to amend section two and section sixteen of an act to incorporate the town of Livingston, in Sumter county, approved January 25, 1867, and to amend section one of an act to define the corporate limits of the town of Livingston, in Sumter county, Alabama, approved February 24, 1872, approved January 16, 1877, be so amended as to read as follows:

Corporate limits of Livingston.

Section 3. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the corporate limits of the town of Livingston, in Sumter county, shall be as follows: Commencing where the tan yard branch empties into the Sucarnatchee river, thence up the south bank of said branch to where it crosses the south line of the northeast quarter of section thirty-three (33), township nineteen (19) of range two (2), west, thence east along said line to where it crosses the branch in R. S. Lide's field, thence up the east bank of said last mentioned branch to the first point on said branch one hundred and fifty (150) yards by straight line at right angles east from the east line of the north east quarter of said section thirty-three (33), thence north to a point opposite an easterly extension of the northern boundary of the front yard lot of the Abney place, thence in a westerly direction along the line of the northern boundary of said front-yard lot to the branch which runs through the lot formerly owned by Mrs. Matilda Green, thence down the east bank of said branch to the Sucaruatchee river at low water marks to the beginning.

Sec. 2. Be it further enacted, That said section three (3) of the act, approved January 16, 1877, as it

stood before the passage of this act, be, and the same is hereby repealed.

Approved February 20, 1889.

No. 334.] AN ACT [s. 233

To regulate the trials of misdemeanors in Barbour county.

SECTION 1. Be it enacted ty the General Assembly of Alabama, That the county court of Barbour county shall have jurisdiction of all misdemeanors committed in said county. Jurisdiction.

SEC. 2. Be it further enacted, That at the next regular term of the circuit court of said county, it shall be the duty of the presiding judge thereof, upon the day of the adjournment of said court, at Clayton and at Eufaula, to make an order upon the minutes of said court at Clayton and at Eufaula, directing and requiring the clerk of said court, to deliver to the judge of said county court, all indictments then pending and untried in said circuit court against persons charged with misdemeanors, together with all papers, and a certified copy of all docket entries and minutes of proceedings had therein in said circuit court, and upon the transfer and delivery of the same, the jurisdiction of said circuit court shall cease, and exclusive jurisdiction thereof, shall rest in said county court. Transferred from circuit to county court.

SEC. 3. Be it further enacted, That prosecutions may be instituted or commenced in said county court, as is now provided by law in county courts except as herein modified, thereafter subject to the provisions of this act and the laws in force not in conflict with this act. May be commenced in the county court.

SEC. 4. Be it further enacted, That the clerk of the circuit court shall be ex-officio clerk of the county court, and the practice and proceedings in said county court shall conform to the practice and proceedings in the circuit courts of this State, except as herein modified. Clerk.

SEC. 5. Be it further enacted, That the times and places of holding said county court shall be as follows : On the third Monday in March, 1889, the judge of the county court shall open said court at Clayton, in the court house of said county, and shall hold said court open for one week, or until the business before him is disposed of, and Times and places of holding court.

on the fourth Monday in March, 1889, said judge shall open said court at Eufaula, in the court house at Eufaula, and shall hold said court open for one week, or until the business before him is disposed of. The judge of said county court shall thereafter thus alternate with said courts, holding court at Clayton one week, commencing on the third Monday of each month, and at Eufaula one week, commencing on the fourth Monday in each month. He can adjourn his court at any time when the business before him is disposed of, but must not hold longer than one week at each term at each place.

SEC. 6. Be it further enacted, That every person charged with a misdemeanor, either by complaint or indictment, shall be entitled to a trial by jury, but should he waive the same, the court shall make an entry thereof, on the record, and shall proceed to hear and determine the case without a jury as herein provided, but if a jury is demanded the court shall make an entry thereof on the record and proceed as herein provided.

Entitled to trial by jury.

SEC. 7. Be it further enacted, That in all trials in said county court the State shall be entitled to only two peremptory challenges in each case, and the defendants in each case be entitled to only three peremptory challenges whether there arc one or several defendants in said case.

Challenges.

SEC. 8. Be it further enacted, That the judge of said county court shall, on the first day of each term of said court, at Clayton and at Eufaula, sound his docket, and ascertain, in open court, from the defendants, the names of those demanding jury trial, and shall proceed, as soon as the juries are organized, to the trial of their cases, and after the trial of the jury cases the juries shall be discharged for the term, and the judge shall then proceed to the trial of the defendants who waived jury trials ; and after a defendant has once waived a jury trial, and the judge has entered such waiver on the record, said defendant shall not thereafter be allowed to demand a trial by jury in said case in said court.

Sounding docket.

SEC. 9. Be it further enacted, That all indictments for misdemeanors that may hereafter be preferred by the grand juries of said county, or which have heretofore been preferred and the defendants not arrested, at Clayton, must be returned by the clerk of said circuit court to the judge of said county court, and be by the clerk of

Indictments to be returned to city court.

said circuit court, as ex-officio clerk of the county court, filed in said county court at Clayton, and all indictments for misdemeanors that may hereafter be preferred by the grand juries of said county, or which have heretofore been preferred and the defendants not arrested, at Eufaula, must be returned by the clerk of said circuit court to the judge of said county court, and by the clerk of said circuit court, as ex-officio clerk of the county court, filed in said county court, at Eufaula. Process must be issued by said clerk under said indictments and proceedings had in such cases, in said county court as is now had in the circuit courts, except as modified by this act.

Docketing cases.

SEC. 10. Be it further enacted, That the said clerk in docketing cases to be transferred from the circuit court at Clayton, where indictments have been found before the passage of this act, shall place them on the county court docket at Clayton, and in docketing cases to be transferred from the circuit court at Eufaula, where indictments have been found before the passage of this act, shall place them on the county court docket at Eufaula, and such disposition, by said clerk as to those cases shall give jurisdiction to said county court to try them, as placed on said dockets, and the jurisdiction of the circuit court shall cease.

Dockets for county courts.

SEC. 11. Be it further enacted, That the clerk of the circuit court, as ex-officio clerk of the county court, must prepare and keep for said county court, two separate dockets, on one of which must be entered the misdemeanors to be tried at Clayton, on the other must be entered the misdemeanors to be tried at Eufaula, and he must attend said court at Clayton and at Eufaula at its regular sessions, either in person or by deputy, and must keep the minutes and records of all cases tried in said courts as now provided by law for keeping the minutes and records of misdemeanors in the circuit courts.

Minutes and records.

Change of venue.

SEC. 12. Be it further enacted, That whenever a criminal case shall be pending in the court to be held at Eufaula, if the defendant shall reside west of the line between range 27 and 28, in said county, it shall be the duty of the judge of the county court, on the application of said defendant or his attorney, in writing or open court, verified by oath, to transfer said case to the county court at Clayton, to be there tried on the original papers the same as if the warrant or indictment had been originally

returnable to Clayton. That whenever a criminal case shall be pending in the court to be held at Clayton, if the defendant shall reside east of the line between range 27 and 28, in said county, it shall be the duty of the judge of the county court, on the application of such defendant or his attorney, in writing or open court, verified by oath, to transfer said case to the county court at Eufaula, to be there tried on the original papers, the same as if the warrant or indictment had been originally returnable to Eufaula.

When judge is incompetent.

SEC. 13. Be it further enacted, That if for any cause the judge of said county court shall be incompetent to try any case in said county court, the clerk shall certify that fact, with all the original papers, docket and minute entries in said case to the circuit court at Clayton, if the case is pending in the county court at Clayton, to the circuit court at Eufaula, if the case is pending in the county court at Eufaula, and the said circuit court shall thereupon take jurisdiction of said case and try the same on the original papers certified from the said county court.

Power to fine and imprison.

SEC. 14. Be it further enacted, That the judge of said county court shall have the same power and authority to impose fines, sentences to imprisonment in the county jail and to hard labor for the county that the circuit courts and the judges thereof now have or may hereafter have, and all process issued from said connty court shall be returnable to the next term of the county court from which said process issued.

Process returnable.

Failing to open court.

SEC. 15. Be it further enacted, That if the judge of said county courts fails to open said court on the first day of any regular term, that the sheriff must adjourn the court from day to day for not more than three days, after which time, if the judge still fails to attend, the court will stand adjourned until the next regular term.

Two or more capiases or warrants.

SEC. 16. Be it further enacted, That whenever two or more warrants or capiases have been issued from said county court, and the defendant has not been arrested thereon, the court may order said warrants or the indictment upon which said capiases have been issued, to be withdrawn and filed, and at any time thereafter, alias warrants or alias copiases may issue in said cases and the cause proceed and be tried as if aliases cases or alias warrants had regularly issued returnable to each term of said court.

SEC. 16 ½ . Be it further enacted, That in all preliminary proceedings before justices of the peace or notaries public with powers of justice of the peace, of persons charged with misdemeanors, if it appears that the offense has been committed, and there is probable cause to believe the defendant is guilty thereof, the defendant must be discharged on giving sufficient bail to appear at the next regular term of the county court at Clayton or Eufaula, as the case may be, but if the defendant fail to give sufficient bail, such person must be committed to the county jail, by an order in writing, and all papers and process in said case must be returned by the magistrate to the court at which the defendant is to appear, that is, to Clayton, if the defendant resides west of range line, between ranges 27 and 28, to Eufaula, if the defendant resides east of said range line, by the first day of the term of said court, and the judge of tlie county court must proceed to try such case on the original papers.

Preliminary proce'dings re-turn'd to county court.

SEC. 17. Be it further enacted, That all appeals by defendant's from trials in criminal causes for misdemeanors from justices of the peace, or notaries public with powers of justices of the peace, shall be taken to the county court to be held at Clayton or Eufaula as the case may be, and cases thus appealed must be tried de novo, as now required by law for the trial of such appeals in the circuit courts.

Appeals from justices courts.

SEC. 18. Be it further enacted, That all appeals from said county court shall be to the supreme court of the State of Alabama, and that the laws now in force, or that may hereafter be enacted governing or applying to appeals in misdemeanors from tlie circuit courts of the State, shall apply to appeals from said county court.

Appeals to supreme court.

SEC. 19. Be it further enacted, That a party aggrieved, or desiring to bring a charge of misdemeanor before the county court, may apply to the judge thereof, or to some justice of the peace of the county, or to some notary public and ex-officio justice of the peace of the county for a warrant of arrest; and upon making affidavit in writing that he has probable cause for believing or does believe that an offense (designating the misdemeanor by name, or by some other phrase which, in common parlance, designates it, as for instance: larceny, vagrancy, assault and battery, etc.,) has been committed in said county by C. D., (naming the offender) then the

Affidavit and warrant.

judge of said court, or justice of the peace, or notary public and ex-officio justice of the peace, shall issue his warrant of arrest returnable to the county court at Clayton or Eufaula, as the case may be.

SEC. 20. Be it further enacted, That said county court shall have jurisdiction of all bastardy cases and

Jurisdiction of bastardy cases.

proceedings in said county, and all laws now in force or which may hereafter be enacted relating to cases of bastardy or bastardy proceedings in the circuit courts of the State, shall apply to and be in force in said county court.

SEC. 21. Be it further enacted, That it shall be the duty of justices of the peace in said county, in preliminary investigation of cases of bastardy before them, if it

Justices return bastardy cases to county court

appears that there is probable cause to believe that the accused is guilty of the charge, to require him to enter into bond, with sufficient surety, in a sum not exceeding one thousand dollars, to be approved by such justice, payable to the State of Alabama, and conditioned that the accused will appear at the next term of the county court at Clayton, if accused resides west of range line, between ranges 27 and 28, at Eufaula, if accused resides east of said range line, and such justice must return such bond, complaint and warrant of arrest to the clerk of the county court by the first day of the term at which the accused is bound to appear.

SEC. 22. Be it further enacted, That the sheriff of the county shall, immediately after this act becomes a law, and annually thereafter on the first Monday in March of

Sheriff to prepare lists for jurors to be selected.

each year, after March, 1889, obtain and prepare a list of all the householders who are freeholders, residing in said county, and are esteemed in their community for their integrity, fair character and sound judgment, who are over the age of twenty-one years and under the age of sixty years, from which list must be selected, as hereinafter provided, the names of such persons as may be thought competent to discharge the duties of petit jurors for said county court.

Clerk and sheriff must select jurors.

SEC. 23. Be it further enacted, That the circuit clerk or his deputy, and the sheriff or his deputy, must meet on the second Monday in March, 1889, and on the second Monday of each month thereafter, at the office of the clerk of the circuit court in Clayton, and select from said list the names of sixteen persons to serve as petit

jurors at Clayton, and the names of sixteen persons to serve as petit jurors at Eufaula, who, in their opinion, are competent to discharge the duties of petit jurors with honesty, impartiality and intelligence, and are esteemed in their communities for their integrity, fair character and sound judgment; Provided, that when the sheriff or his deputy and the clerk or his deputy selects the persons to serve as petit jurors under this act, for the court held at Clayton, they shall select those only who reside west of the range line between ranges 27 and 28, in said county, and when they select persons to serve as petit jurors, under this act, for the court held at Eufaula, they shall select those only who reside east of said range line in said county.

SEC. 24. Be it further enacted, That the petit juries for each term of said court at Clayton, and at Eufaula, shall consist of two panels, of eight men each, and shall be selected as hereinbefore provided and impanelled as petit jurors are under the general jury law as it now stands in the Code of 1886, and veniries for such jurors shall be issued by the clerk immediately after the jurors are selected, and executed by the sheriff at once ; and the judge of said county court shall have the same power and authority to order special veniries and call in tales jurors as the circuit court has under the general jury law as it now stands in the Code of 1886, except as modified by this act.

Two juries at each court.

SEC. 25. Be it further enacted, That all the general jury law as it now stands in the Code of 1886, relating to petit juries and petit jurors, in the circuit courts, except as modified or repealed by this act, shall be in full force and applicable to petit juries and petit jurors in the county court.

Jury law applicable.

SEC. 26. Be it further enacted, That the solicitor of the circuit, in which said county of Barbour is, or may or. hereafter be, shall appoint a deputy solicitor, who shall be governed by same laws regulating and defining the duties of circuit solicitors, so far as they may be applicable to him as such deputy solicitor, and who shall receive the same fees and commissions for convictions had in said county courts from the officers collecting the same, that are now allowed by law as solicitors fees, as prescribed in section 4868, of the Code of Alabama of 1886, to be taxed as cost against the defendant on conviction, and

Deputy solicit-

collected as now provided by law for the collection of circuit solicitors fees.

Fees of clerk, sheriff, jurors and witnesses.

SEC. 27. Be it further enacted, That the fees of the clerk of said county court shall be the same as is now, or may hereafter be allowed to the clerks of circuit courts ; that the fees of the sheriff in said county court shall be the same as is now, or may hereafter be allowed the sheriffs in the circuits courts; that jurors fees shall be one dollar and fifty cents each day, and witnesses fees shall be one dollar each day, for each day's attendance, and mileage the same as is now allowed in the circuit courts of the State. All of the foregoing fees chargeable and payable as they are now chargeable and payable by law in the circuit courts of the State.

County court cost.

SEC. 28. Be it further enacted, That a fee of five dollars, in addition to the other cost, shall be taxed against the defendant on conviction, or against the prosecutor under the provisions of section 4223 of the Code of Alabama, 1886, as county court cost, and if not presently paid, may be collected by execution or by sentence to hard labor, and when collected shall be paid into the county treasury.

Judge's fees.

SEC. 29. Be it further enacted, That the judge of the county court shall recieve the following compensation and none other, which shall be paid out the county treasury, that is to say, if the warrant of arrest is issued by him, then for all proceedings had before him, in such cases, four dollars; if the warrant is not issued by him, then for all services in each case, three dollars; for each final judgment against a defaulting witness, or on forfeited undertaking of bail, two dollars.

Laws applicable.

SEC. 30. Be it further enacted, That all laws of a general nature now in force, or that may hereafter be enacted, as far as the same applies to misdemeanors, unless the contrary be expressly provided, or as may be limited by this act, be held to apply and extend to said county court.

SEC. 31. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 20, 1889.

No. 335.] AN ACT [s. 86

For the removal of the State Normal School and University for colored students from Marion, Perry county, to change its name to the State Normal School for Colored Students and to provide for the control and maintenance of the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the State Normal School and University for colored students now at Marion, Perry county, be and the same is hereby removed to some other place in the State as hereinafter provided, and its name is changed to State Normal School for Colored Students. Name.

SEC. 2. The board of trustees of said Normal School shall consist of six members, together with the governor and superintendent of education. It shall be the duty of the governor as soon as practicable after the passage of this bill, to appoint six trustees, two of whom shall serve for a term of six years, two shall serve for a term of four years, and two shall serve for a term of two years, and every two years thereafter it shall be the duty of the governor to appoint two trustees who shall serve for a term of six years. Board of trustees; governor to appoint.

SEC. 3. The members of said board of trustees shall receive no compensation for their services except their actual expenses in going to and returning from their meetings, which said expenses, upon the certificate of the secretary of the board, approved by its president, shall be paid out of the fund annually appropriated and set apart for the maintenance and support of said Normal School. The board of trustees as now organized at Marion shall cease to exist upon the appointment and organization of the new board as hereinafter provided for. No compensation except expenses.

SEC. 4. Any vacancy in the board of trustees caused by death, resignation or otherwise, shall be filled by appointment of the governor, the appointee holding for the unexpired term of his predecessor. Vacancies.

SEC. 5. The board of trustees shall meet at such times and places as it may appoint. Meetings.

SEC. 6. The board of trustees shall choose one of their number as president of their board, who shall not vote on any question except in case of Officers of board.

a tie, and they shall elect a secretary and treasurer, and they shall take such bond from such treasurer as they shall deem sufficient and adequate to secure the faithful performance of his duties in at least double the amount that he may have on hand at any one time, bond to be approved by the probate judge of the county wherein the Normal School is located, and a certified copy thereof filed in the office of State superintendent of education. The secretary and treasurer shall be chosen annually, and shall hold their offices until their successors are elected and qualified.

Selection of place for school.

SEC. 7. That said board of trustees shall within thirty days after they are appointed, meet at such time and place as the State superintendent of education may appoint, and shall select a suitable place for said Normal School, having regard for healthfulness, accessibility and the value of any land or building that may be offered for said Normal School ; Provided, that it shall not be located in any town or city against the wishes of the white people of said town or city.

Powers of board.

SEC. 8. The trustees shall have full power and authority to elect a faculty and such officers and agents as they deem necessary to carry on the Normal School, and shall have authority to discharge such faculty or any member thereof, or any officer or agent, whenever they see fit to do so, and to prescribe the duties of all officers, teachers and agenta, and to fix their compensation, and generally to govern and control said faculty, and the Normal School. They shall also have authority to settle all claims now existing against said Normal School.

Appropriation for land and buildings.

SEC. 9. For the purpose of buying the necessary land or buildings, or the necessary land and erecting thereon the necessary buildings, there is hereby appropriated the sum of fifteen thousand dollars from the school fund of the colored race, six thousand dollars to be paid to the treasurer of the Normal School on the first day of January, 1889, or as soon thereafter as he may be elected, and give bond for six thousand dollars to be paid October 1st, 1889, and three thousand dollars on the 1st day of October, 1890. The first six thousand dollars men-

tioned in this section shall be paid out of the unapportioned balance now in the treasury to the credit of the colored school fund.

SEC. 10. The trustees of the State Normal School shall take charge of the property of the State of Alabama, near Marion, Perry county, and shall dispose of it so as to best subserve the interests of the State. If sold, the proceeds shall be used in furnishing the new buildings wherever located. Property of school in Marion.

SEC. 11. It shall be the duty of the board of trustees to organize a Normal School upon the most approved plan ; said Normal School to constitute a part of the common school system of the State. Normal school.

SEC. 12. The president of the board of trustees shall make a full and complete report annually to the state superintendent of education showing the operations of said Normal School, the amount of money received and disbursed, and such other information as may be required by law. Annual report.

SEC. 13. That upon the completion of the prescribed course of study in the Normal School, and after sustaining of satisfactory examination, upon the recommendation of the president, approved by the board of trustees, the superintendent of education shall issue a diploma to the graduates of the Normal School, which shall entitle them to teach in the colored schools of the State without further examination. Diplomas.

SEC. 14. That in connection with the Normal School there may be established a training department. Training department.

SEC. 15. For the support and maintenance of said Normal School, there is hereby set apart and appropriated of the school fund for the education of the colored race, the sum of seven thousand five hundred dollars annually, to be paid to the treasurer of the said board of trustees in equal installments on the first days of January, April and October, of every year; the installments for January and April, 1889, to be paid out of the unapportioned balance now in the treasury to the credit of the colored school fund. Annual appropriation.

Approved February 23, 1889.

No. 336.] AN ACT [s. 400

To amend section 1 of an act entitled “an act to prohibit the sale, giving away, delivery, transfer, parting with, procuring or other disposition of spirituous, vinous or malt liquors, or any intoxicating bitters or mixtures, within five miles of Goodwater Academy, Coosa county, and in the county of Butler, except beat No. 12 of said county.”

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1 of “an act to prohibit the sale, giving away, delivery, transfer, parting with, procuring or other disposition of spirituous, vinous or malt liquors, or any intoxicating bitters or mixtures, within five miles of Goodwater Academy, Coosa county, and in the county of Butler, except beat 12 of said county, approved February 19,1887, be amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person to sell, give away, deliver, transfer, part with, procure or otherwise dispose of spirituous, vinous or malt liquors, or any intoxicating bitters or mixtures, within five miles of Goodwater Academy, Coosa county, and in the county of Butler, except beat No. 12 of said county; Provided, the provisions of this act shall not apply to social drinking in family circles; And provided further, that the provisions of this act shall not apply to the corporate limits of the town of Goodwater;" And provided further, that nothing in this act contained, shall operate to repeal an act approved March 1, 1881, entitled “an act to amend section 1544 of the Code of Alabama, so far as the same relates to the counties of Blount, Cullman, Cleburne, Washington, Coosa, Autauga, St. Clair, Elmore, Marshall, Dale and Chilton,” but the same is hereby re-enacted as to Coosa county.

Liquor prohibition.

Approved February 20, 1889.

No. 336 ½.] AN ACT [H. B. 544

To amend the charter of The City of Montgomery and the various acts amendatory thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1 of an act entitled "an act to amend the charter of the city of Montgomery and the various laws heretofore passed amending the said charter," approved March 3rd, 1870, and the acts amendatory thereof, be amended so as to read as follows : "Section 1. Be it enacted by the General Assembly of Alabama, that the city of Montgomery, in the county of Montgomery and State of Alabama, shall include in its corporate limits the lands described as follows, to-wit: The whole of fractional section twelve, township sixteen (16), range, seventeen (17), to the west bank of the Alabama river, and the northeast quarter of section thirteen (13), township sixteen (16), range seventeen (17), and commencing where Mildred street connects with Plank Road, thence following the said street, on the north side thereof until it connects with the Mobile Road, thence southerly, following the west side of the said Mobile Road until the southern boundary of the property of John L. Cobbs is reached on the said Mobile Road, thence directly west to the western section line of section thirteen (13). All of the said territory being comprised in the northwest quarter of the said section thirteen, and being in township sixteen (16), range seventeen (17); a strip of land, five hundred feet wide, off of the northern part of the southeast quarter of said section thirteen, extending in the shape of a parrallelogram, from the line dividing ranges seventeen (17) and eighteen (18) to the said Plank Road ; the west half of the southeast quarter, the north half, and the southwest quarter of section seven (7), township sixteen (16), range eighteen (18), and commencing on the southern line on said section seven (7), six hundred (600) feet west from the southeast corner of said section seven (7), thence running due north to the extension of Washington street, thence following the said extension of Washington street in a northwesterly direction until it connects with Hilliard street next east of Jackson street, thence along the said Hilliard street next east of Jackson

Corporate limits.

street until said street connects with the extension of Monroe street, thence west along the extension of Monroe street to the eastern line of the west half of the southeast quarter of the said section seven (7); the northwest quarter of section eighteen (18), the said sections seven and eighteen referred to being in township sixteen (16) and range eighteen (18), and the inhabitants thereof shall be a body corporate, by the name and style of "The City of Mont-

Name and powers.

gomery," and the aldermen of said city shall be named and styled "The City Council of Montgomery," and by that name for said city of Montgomery may purchase, receive, hold or let, sell, grant, alien or assure property, real and personal, and sue and be sued, plead and be impleaded, contract and be contracted with, and to do and perform any other acts incident to bodies corporate ; to have a common seal which may be changed at pleasure; and its jurisdiction sliall extend to and include all the

Jurisdiction.

lands above described, and all the Alabama river as above described, and all the lands which shall hereafter be purchased by said city for the purpose of using or occupying as a hospital, poor house, pest house, work house or house of correction ; and the laws or ordinances of the city of Montgomery shall apply to and extend over all of said lands and the inhabitants thereof, except that the following described parcels of land shall no longer be included

Land not included in corporate limits.

within said corporate limits, namely : Commencing at the northern limit of the city, on the east side of the extension of Ripley street, thence along Ripley street south to Pollard street, thence along Pollard street west to Bainbridge street, thence along Bainbridge street north to its interception with the Lower Wetumpka Road, thence along that road to the northern limits of the city, and thence east to the place of beginning. Also that tract of land described as follows : Commencing on the southeast corner of South and Hull streets, thence running south on Hull street to the southern limits of the city, thence east along tlie southern limits of the city to its eastern boundary on that line which is the eastern boundary of the northwest quarter of section eighteen (18), township sixteen (16), range eighteen (18), thence along the eastern boundary of the city to Scott street, thence west along Scott street to Bainbridge street, thence south along Bainbridge street to Grove street, thence west along Grove street to Decatur street, thence along De-

catur street to South street, thence along South street west to the point of beginning ; Provided, nevertheless, that the city authorities shall have the same powers to contract for the use of Swayne College as a public school, and to extend school privileges to those now entitled thereto as if this act had not been passed ; and provided, further, that the police power and jurisdiction conferred by its charter upon the corporate authorities of the city of Montgomery may be exercised and enforced within said tracts, and within any territory of the county of Montgomery, lying within one mile of the corporate limits of said city. The city council shall elect one of its members as president, whose duty it shall be to preside and keep order at all meetings, anil to appoint the committees thereof. The president of the city council shall call meetings thereof whenever in his opinion the interests of said city may require, and whenever the mayor requests the same of him in writing, or whenever he is requested to do so by any two aldermen in writing. And in the event of the absence or failure from any cause to preside of the president, the city council shall appoint one of their members president pro tempore who shall discharge the duties of the president until the president returns, or until his disabilities or inability is removed. A majority, of the aldermen elected shall constitute a quorum for the transaction of business. Any person who has resided in his ward three months prior to the day of election, and possesses the other qualifications prescribed by law, is a competent elector, in any municipal election, and the city council shall have power to prescribe by ordinance regulations for registration on the day of election of persons who have arrived at majority on that day, or between the day of election and the regular time for registration provided by law, and possessing the other requisite qualifications.

Swayne college.

Police power, tec.

President of Council

Meetings

Quorum

Elections

SEC. 2. Be it further enacted. That section 2 of said act be amended so as to read as follows: Section 2. Be it further enacted, That the corporation limits of the said city of Montgomery be and the same are divided into six wards as follows : All that part of said city lying southwest of Commerce street, northwest of Montgomery street and north of Clayton street, shall form the first ward, and shall be known and styled. as ward number one; and all that part of said city lying

Wards:

One.

southeast of Montgomery street, south of Clayton street and west of Court street, shall form the second
Two. ward, and shall be known and styled as ward number two ; and all that part of said city lying east of Court street, south of Dexter Avenue (formerly Market street), and west of Lawrence street, shall form the
Third. third ward, and shall be known and styled as ward number three; and all that part of said city lying east of Lawrence street, south of Dexter avenue (formerly
Fourth. Market street) and Pelham street (formerly South Market street), shall form the fourth ward, and shall be known and styled as ward number four; and all that part of said city lying north of Dexter avenue (formerly
Five. Market street) and Pelham street (formerly South Market Street) and east of Perry street, shall form the fifth ward, and shall be known and styled as ward number five ; and all that part of said city lying north of Dexter avenue (formerly Market street) and north east
Sixth. of Commerce street and west of Perry street shall form the sixth ward, and shall be known and styled as ward number six. And each of said wards numbered one, two, three, four, five and six shall be and is hereby de-
Officers to be clared to be entitled to two aldermen who shall reside
elected. in the same, and who shall be elected by the qualified electors thereof. The mayor and clerk shall reside within the limits of said city, and the aldermen in their respective wards. The person receiving the greatest number of votes of the qualified electors in said city for mayor shall be declared mayor, and the person who shall receive the greatest number of votes of the qualified electors for clerk shall be declared clerk of the city, and the person in each ward receiving the greatest number of votes for alderman shall be one of the aldermen for such ward; but if two or more persons have an equal number of votes, the city council shall determine who shall be such mayor, clerk or aldermen, as the case may be. The mayor, clerk and aldermen shall be elected, and shall hold their offices, as provided by an act of the general assembly of Alabama entitled "an act to regulate the election of municipal officers in the city of Montgomery," approved March 1st, 1875, as amended by an act approved March 1st, 1881, entitled "an act to amend section two of an act entitled an act to regulate the election of municipal

officers in the city of Montgomery," approved March 1st, 1875. If a vacancy occurs in office of mayor, clerk or aldermen, such vacancy shall be filled by the city council. The city council shall judge of the qualifications of the mayor, clerk and of each alderman. The acts, resolutions or ordinances that may be adopted by the city council under this section shall not be subject to approval or disapproval by the mayor. No officer of the city or member of the city council shall be interested or concerned in any contract for furnishing supplies, labor, material or professional services to the city, except where contracts therefor are publicly let to the lowest bidder and awarded to him as such, but this shall not prevent the execution of any contract entered into prior to February 26th, 1887.

Vacancies.

Shall not to be interested in contracts with city.

SEC. 3. Be it further enacted. That section six of said act be amended so as to read as follows : Section 6. The city council of Montgomery shall have the power to preserve the peace and good order of the city; to prevent contagions and infectious diseases from being introduced into said city, to ordain all regulations necessary for an effective quarantine, and to enforce the same within ten miles of the corporate limits of said city; to maintain its cleanliness and health, and to this end to adopt and provide an efficient system of sewerage ; to provide for the inspection and cleanliness of all places likely to be or become detrimental to health ; to adopt such ordinances and regulations as shall be deemed by the city council necessary or expedient for the protection of health, and to prevent the spread of disease and to maintain a good sanitary condition in the streets, public places and private premises of said city. They may also prescribe the manner in which drainage from private premises may be disposed of, and shall have power to provide the manner in which water closets shall be constructed, and to forbid the use of the same while out of order or defective, and may discontinue and forbid the use of sinks, pits, dry wells, etc., and may regulate and compel connection of private and public premises with the sewer system of said city, and may regulate said connections as they may deem best for the health of said city ; to prevent the owners of property in the city or within the police jurisdiction thereof, from having or

Powers of city council.

Health.

permitting pools or ponds of stagnant water thereon and to cause same to be removed at the cost of the owner; to suppress all nuisance at the expense of the person causing the same, or upon whose premises it is found, on public or private property, and may enter upon private property for the purpose; to control and regulate slaughter houses and confine the same within specified limits within the police jurisdiction of the city, and to provide for the weighing and herding outside of the city of all live stock intended for slaughter,

Street. and to prevent the same from being driven through the streets of the city; to prevent the sale of adulterated or decayed food and adulterated drinks; to establish, open, alter, widen, extend, grade, cut down, fill in and pave, or otherwise alter and improve all streets, avenues, side-walks, alleys and wharves, public grounds and squares, and to provide for the payment of the costs and expenses thereof in a manner not inconsistent with the provisions of this charter; and also to provide for lighting, sprinkling, cleaning and repairing the same; and to condemn private property for the public use of said city as provided in this charter and the acts amendatory thereof; to construct and keep in repair all bridges, sewers and drains, and to regulate the use thereof, and to confine, wall up, cover over, alter or change the channel of any

Water. water course; to establish or purchase and maintain water works or contract for the furnishing of water for fully supplying the city and its inhabitants with wholesome water, and to regulate the manner and rates of

Fire department. furnishing water to private consumers; to establish and maintain a fire department, and to regulate the same, and provide for the election of its officers; to establish or purchase and maintain gas and electric works, or contract for the furnishing of gas and elec-

Lights. tricity for fully supplying the city and its inhabitants, and to regulate the manner and rates of furnishing of gas and electric lights to private consumers; to organize and maintain free public schools; to regulate pub-

Schools. lic cemeteries; to prescribe and collect the wharfage dues, erect buildings or other improvements on the wharves, and to lease and farm out such wharves and

Wharves. buildings or parts thereof, for a period not exceeding ten years, to such persous and on such terms as the

city council may determine; to compel the owners or tenants of property to keep the side-walks in front of such property clean and in repair, and to prescribe the kind of pavement to be laid, and to compel the laying of the kind of pavement prescribed, in the streets, side-walks, alleys and public places of said city, at the expense of the property owner, except as hereinafter provided for; to prevent explosions and dangerous substances from being kept or stored in dangerous quantities in the city, and to designate the places where such dangerous articles may be stored, and to regulate the manner of hauling and keeping explosive substances, and to declare by ordinance what quantity of such substances shall be deemed dangerous within the weaning of this section; to determine within what limits wooden buildings shall not be erected, and to prevent the reconstruction and enlargement in wood of old buildings within such limits, and to condemn buildings and verandas and parts thereof which are dangerous or unsecure, and to tear down the same when the owner after notice fails to do so, and to regulate the erection of verandas and awnings; and the city council shall not have authority within the fire limits prescribed, to make any discriminations or to permit any person to erect or repair any building therein otherwise than in conformity to the ordinances applicable to the whole of the territory within the fire limits; to regulate all places of amusement and public entertainment, and to prohibit and suppress all houses of prostitution; they shall have the power to close houses and places for the sale of intoxicating liquors, when in the opinion of the city council the public safety or peace may require it; and it shall be the duty of the city council when complaint is made, that any person engaged in the sale of intoxicating liquors, keeps a disorderly house and allows persons gathered there to become disorderly to the annoyance of the public or persons using the public streets or side-walks, to investigate the complaint, and if well founded, to remove the State, county and city license therefor; to imprison or fine or both imprison and fine or expel all swindlers, beggars or suspicious characters; to restrain and prohibit gaming and the keeping of gaming houses; to authorize the police, on affidavit

Sidewalks, pavements, etc.

Explosives.

Wooden buildings, etc.

Amusements.

Selling Liquors.

Gaming.

being made by any reputable person that he has good cause to believe and does believe that any house or part of a house in said city is being kept for the purpose of carrying on gambling therein, to break into and enter such house or part thereof, and to seize all gambling implements therein, and to arrest all persons found therein; to authorize the use of the streets of said city for horse, steam or electric railroads, and to regulate the same, and to compel such companies to pave and keep in repair such parts of the streets, bridges and crossings over which their cars run, as the city council may deem proper, to regulate the use of the streets for the erection of telegraph, telephone electric and all other systems of wires and conduits, and to require the same to be placed under ground if deemed necessary for the public convenience, and generally to regulate and control the use of streets for any and all purposes ; to establish, set up and regulate hospitals, infirmaries, poor houses, work houses or houses of correction, and to make and pass laws, rules and regulations for the government of the same; not inconsistent with the laws of this State ; to levy, assess and collect taxes on all property within the City taxable by the laws of the State, and to license all businesses, trades, occupations and professions not prohibited by the constitution aud laws of the State of Alabama, and to provide a penalty for the doing of business without a license ; provided, that but one license for any particular business, trade, occupation or profession shall be collected of persona, firms or corporations using but one place of business in carrying on such business, trade, occupation or profession ; to impound and forfeit domestic animals found on the streets contrary to city ordinances ; to regulate the stationing, mooring and anchorage of steamboats and other boats and crafts within their jurisdiction ; to have general control and superintendence over the wharf, wharves, ferry, ferriages, public springs, cisterns, fountains and wells. The City Council shall have the power to license and fix the rates of and regulate the carriage within said city of persons for hire, and license, and to fix. and regulate the wagonage, drayage and cartage of property for hire and to prohibit or suppress all public masquerades, exhibitions

Street railroads.

Wires.

Hospitals.

Taxation licenses, etc.

and amusements which violate public morals and decency. The City Council shall, without unnecessary delay, enact efficient laws for securing the safety of persons from fire in halls and buildings let or used for public assemblies and for entertainments or amusements. The city council shall provide for the revision of the general ordinances of the city at least once in every five years. The city council may expel any of its members for official misconduct by a vote of two thirds of all the members elected to the city council, the vote being taken by yeas and nays and spread upon the minutes, five days notice and an opportunity of being heard in his own defence having been previously given said member with the copy of the charges against him. An appeal may be taken from any judgment of expulsion rendered under this section to the circuit court of Montgomery county upon the accused entering into bond payable to the city council, with such security and in such amount, not exceeding two hundred dollars, and with such conditions as may be approved by the city council, provided, that such appeal is taken within thirty days after such judgment is rendered, and the cause upon such appeal shall be tried de novo. Whenever a nuisance is caused on private property by any work or improvement done by and for the city, the same shall be abated at the expense of the city, and whenever a grade of the street is fixed by the city, and improvements shall have been made in conformity thereto, if the city shall thereafter alter said grade to the damage of said improvements, the city shall indemnify the owner of the improvement for such damage. Said city council is hereby authorized to confer authority upon the chief of police, and such other officers of the police force as it may designate to administer oaths and issue warrants for the arrest of offenders against the laws of the State, or by-laws and ordinances of the city of Montgomery, returnable before the recorder, or an alderman of said city acting as recorder. Said city council is hereby authorized and empowered to pass by-laws and ordinances for the purpose of assessing property adjacent to any street and intersection of streets for one half the expense of such sewers as the council may from time to time deem necessary for the purpose of receiving sew-

Public halls

Revision of city laws.

Official misconduct.

Damage by city.

Offenders against law.

Sewerage tax.

erage from houses, privies and lots and bettering the sanitary conditions of such parts of the city as the council deems advisable. Such assessment to be made upon property on both sides of the street and near the intersection of streets on which said sewer may be constructed, in proportion to the value of the lots adjacent to such streets and intersection of streets and benefitted by the construction of such sewers. The city council, or a committee thereof, duly authorized thereto by resolution, may, during a session of the council or of said committee, punish by arrest and imprisment any person who is guilty of disorderly or contemptuous behavior in the presence of the council or of said committee, but the imprisonment shall not exceed twenty four hours; and an appeal from such order lies to the circuit or city court, which may suspend the execution of such order upon such bond as it may prescribe, and on the hearing thereof may discharge the prisoner or remand him to the custody of the city council as the justice of the case may require ; may summon witnesses and compel their attendance, and administer oaths by the president or chairman; compel witnesses to testify and produce books and papers in all matters relevant to the government of the city and thp power and jurisdictions hereby conferred, and may punish them by imprisonment not exceeding ten days for failure to attend or refusal to testify or produce books and papers; but an appeal from any such order shall lie to the circuit or city court as herein above provided. The style of ordinance of said city shall be, "Be it ordained by the city council of Montgomery, as follows:" No ordinance or resolution intended to be of permanent operation shall pass the council at the same session at which it is first offered, unless the rules be suspended by a vote of two-thirds of the members present at, or a majority of those elected to, said council, the vote to be taken by yeas and nays, and the names of the members voting for and against the suspension of rules to be entered on the minutes; and no ordinance or resolution intended to be of permanent operation shall become a law unless on its final passage a majority of the members elected to said council vote in its favor, and unless it be approved as hereinafter required by the

May punish for contempt.

Other powers.

City ordinances.

mayor, or on his disapproval being made known to the council, unless it be passed by a vote of the majority of all the members elected to said council, the vote being taken by yeas and nays and spread upon the minutes. No ordinance shall be amended by providing that designated words thereof be stricken out or that designated words be inserted, or that designated words be stricken out and others inserted in lieu thereof, but the ordinance or section amended shall be set forth in full, as amended. The city council shall have power to pass ordinances not in conflict with the laws of the State of Alabama, for the punishment of any criminal offense committed in said city, or within its jurisdiction. Every ordinance passed by the city council shall be published in the paper doing the city printing within five days after its approval by the mayor, or within ten days after its passage by the council. The city council shall have power to pass ordinances for the punishment of all persons who in any manner obstruct any police officer or patrolman in the lawful performance of any of his duties in said city or its police jurisdiction, or the arrest of any person within said city or its police jurisdiction, and for the punishment of all persons who, when called upon by any of said officers to aid in the, arrest of any person in said city or its police jurisdiction, shall refuse to render assistance as required ; and in all cases where any person is so called on and aids such officer or patrolman, as required, such person shall not be liable to indictment or punishment in the courts of this State therefor, nor to punishment by the recorder or alderman of said city, nor shall he be liable to any damages in any civil action therefor; Provided, he does no more than is reasonably necessary to effect said arrest. The city council shall elect a city attorney, who shall be the legal adviser of the corporation on all matters in which his advice may be necessary. He shall advise the mayor, recorder, city council, or any committee thereof, or officer of the city, in writing when required, as to all legal questions that may arise before them in relation to their duties, or in relation to the interests of the city in which they are directly engaged, and shall, from time to time, make such reports in relation to suits or other legal

Obstructing police officer.

Assisting police.

City attorney.

proceedings in which the city is interested as may be required by the mayor or city council. He shall represent the city within the State in all judicial proceedings, suits, actions and contestations in which it may have an interest, and shall, whenever directed by the mayor in writing, attend the recorder's court for the prosecution of cases therein, and shall represent the city in all courts wherein an appeal is pending from any judgment of the recorder, or alderman acting as recorder. He shall have the appointment of all assistant counsel whom the city may employ. He shall hold his office for a term of two years. No compensation other than a fixed salary shall be allowed him, except that when on business for the city, outside of the city, his actual expenses shall be allowed him by the city; and he shall perform all other duties which the council may require of him, not inconsistent with this charter and the laws of the State of Ala-

City Physician. bama. The city council may elect a city physician and sanitary officer, and define their duties, powers and compensation. The city council shall elect a recorder,

Recorder. or recorders, whose term of office shall be for two years, and who shall receive such compensation as the city council may prescribe. It shall be the duty of such recorder, or recorders, to keep an office in said city, in such place as the city council may direct, and to hear and determine all cases for the breach of the ordinances and by-laws of said city that may be brought before him, and it shall be his duty to make report at least once a year, under oath, of all fines, penalties and forfeitures fixed by him or any alderman acting in his stead. Such recorder or recorders shall be vested with and may exercise in said city, and within the police jurisdiction thereof, the jurisdiction herein conferred in criminal and quasi criminal matters; may impose the penalties prescribed by ordinance and by the charter of said city and amendments thereto, for the violation of the ordinances and by-laws of said city and also have the powers ex-officio of a justice of peace; Provided, that in the absence from the city, death or failure to act from any cause of the recorder or recorders, any alderman may act as such recorder. Such recorder or recorders may at any time be removed, from office

in the manner provided herein for the removal of officers of said city; but in cases of such removal, or in case of death, the vacancy shall be filled temporarily, and a new election shall at once be held for the unexpired term as hereinafter provided. The recorder or alderman of said city of Montgomery trying any person for any violation of any of the by-laws or ordinances of said city council, shall, upon the conviction of any such person, have power to fine or imprison, or to fine and imprison him, or to sentence him to labor upon the streets or public works, or in the work. house or house of correction in the city, or for the city, either, or any, and in the event the costs and fine are not paid, to require the offender or person thus in default to work out the fine and costs under the direction of the city authorities, allowing not exceeding one dollar for each days services; Provided, that no fine shall exceed one hundred dollars, and no sentence to imprisonment or hard labor shall exceed six months; And provided further, that no female shall be required to work on the streets of said city. In cases where the parties tried before the recorder or any alderman of said city, are dissatisfied with any judgment rendered by said recorder or alderman, he or they may forthwith appeal to the circuit court of Montgomery county, or to the city court of Montgomery, by giving bond with good security to be approved by the recorder or alderman trying the case, in such sum as he may prescribe and payable to the city council of Montgomery conditioned to pay and satisfy the judgment with costs, in case the said judgment shall be affirmed by said appellate court or to pay such judgment as said appellate court may render on such appeal; but unless such bond be given within five days from the date of the judgment of the recorder or alderman then no appeal shall be allowed from such judgment. The proceeding on such appeal when the bond is approved as herein above provided, shall be in all respects as provided by law in case of appeal from the judgment of a justice of the peace in civil cases except as herein otherwise provided. If such defendant fails to appear in said appellate court, when the cause is called for trial, the judgment of the alderman or recorder shall be affirmed by said appellate court, and judgment

Punishment of offenders.

Appeals.

therein shall be rendered against the defendant and the sureties on the appeal bond for the amount of the fine imposed by the recorder or alderman, and the costs of the appeal and ten per cent. damages unless good cause be shown to the court for his absence or default; and in case the defendant appears and judgment is rendered by said appellate court for money, the court must also render judgment against his sureties on the appeal bond for the amount of such judgment and costs of the appeal; and if the judgment of the said appellate court be that the defendant be imprisoned or put to hard labor, as adjudged by said recorder or alderman, then the court shall render judgment against the defendant and his sureties on the appeal bond, for the costs of the appeal, and for the costs of the trial before the recorder or alderman, and must remand the defendant to the city authorities for punishment. On the trial of any case in any of the courts of this State, the Code or book containing the by-laws or ordinances of said city of Montgomery and purporting on the face thereof to be printed by authority of the said city council shall be received as evidence of the contents thereof without further proof. From the judgment of said circuit court of Montgomery, or said city court of Montgomery, the defendant may appeal to the Supreme Court of the State, and in all civil and quasi criminal cases the city of Montgomery may appeal to to the said Supreme Court, except in cases where a sentence of imprisonment has been imposed by the recorder. The recorder or recorders and aldermen of the said city of Montgomery, acting as recorder, shall have original and concurrent jurisdiction of all misdemeanors committed within said city or within the police jurisdiction thereof, against the laws of this State, and whenever any offense against the by-laws or ordinances of the city is a misdemeanor against the laws of the State. In all cases where a person is convicted or acquitted before the recorder or acting recorder of an offense which is a misdemeanor under the laws of the State such conviction or acquittal shall be a bar to a prosecution of such person for such offense before any State court; and in all cases where persons are brought before the recorder, or acting recorder, on a charge which is made a felony by the laws

Recorder; jurisdiction of.

Trail before recorder bar to any posecut'n in any State court.

of this State, it shall be the duty of the recorder, or acting recorder, if, on investigation of the charge, there is reasonable cause to believe that a felony has been, committed, and that the defendant is guilty thereof, to bind such defendant over to appear before the city court of Montgomery, and to proceed in all respects in such case as justices of the peace are required by law to proceed. The recorder, or alderman acting as recorder, shall have the power to administer oaths, and to compel the'attendance of witnesses, and to compel the production of papers and books, and shall have power to punish by fine not exceeding ten dollars, and by imprisonment not exceeding twenty-four hours, of any person in contempt of their court. The sheriff of the county of Montgomery, and all ministerial officers, shall obey the mayor and recorder and all aldermen in all matters in which the said mayor, recorder or aldermen have legal authority and control, and shall faithfully execute the warrants, processes and orders committed to tliem for service, according to their mandate ; and it is made the duty of the jailor of said county to receive all persons committed by said recorder or alderman, and the person or persons so committed safely to keep confined in close jail until delivered therefrom by due course of law. The city council shall have the power to repair side-walks, the owner having failed to repair the same after such notice as may be prescribed by ordinance, at the cost of the owner, and assess the costs thereof against the adjacent property, which assessment shall have the lien of and be enforced and collected as taxes are assessed and collected. The city council shall have power to appoint an inspector of buildings, to prescribe his duties and compensation, and to require all buildings proposed to be erected for public uses, store houses and tenement bouses to be registered after erection in such manner as the council may deem best, and shall have power to compel the owner of any such building to make the same secure, and shall have the power to fence in said building until it is made secure, and shall have the power to tear down and remove such unsafe or dangerous buildings or structures upon the same being reported to the city council as such by the inspector, and on refusal or failure of the owner after notice to him or his agent to

Must bind over those believed to the guilty of felony.

Recorder's powers

Duties of sheriff.

Sidewalks

Inspector of buildings.

make the same safe and secure. The city council shall
Market. also have the power to pass such ordinances as it may deem proper and not inconsistent with the constitution and laws of this State, and the provisions of this charter for establishing, controlling and regulating a market, and to provide for the proper inspection of meats and products or articles offered for sale therein, and for the punishment of persons offering or selling unsound or unwholesome articles therein or elsewhere in the city, or violating the ordinances relating to such market and to elect or appoint a market clerk and prescribe his duties and fix his compensation, and to require butch-
Market clerk. ers and other persons offering meats for sale, either in the market or on the streets of the city, to exhibit to the clerk of the market the hides, with ears attached, of all cattle, sheep and goats slaughtered, and the head and ears of every pig or hog to be exhibited to the said clerk before being cut from the body, and to require a description of the marks, brands and color of the animal so killed and the vender's statement of whom it was obtained, by him to be recorded in a book to be kept for that purpose by the clerk of the market; also
Auction sales. to regulate sales at auction, except sales under executions or by order of courts or by executors, administrators or guardians; to appoint a lumber and wood inspector, and to prescribe his duties and fix his com-
Lumber in- pensation ; to erect and maintain public scale houses
spector. with proper scales, weights and measures, and to appoint weighers and measurers to weigh and measure for the public, and in case of disagreement between
Public weigh- buyer and seller, and to prescribe such other duties
ers, etc. for such weigher and measurer as it may deem proper, not inconsistent with the constitution and laws of this State and the terms of this charter, and to fix their compensation; also to adopt such ordinances as they may deem necessary, not inconsistent with the constitution and laws of this State and the terms of this charter, for the levying, assessing and collecting of all
Taxes. taxes and assessments which by law they are authorized to levy, assess and collect, and generally to pass such ordinances and by-laws not contrary to the constitution and laws of this State, as said city council shall from time to time deem necessary and proper to carry into effect the true intent and meaning of this

charter, and the same to enforce, alter and repeal. Whenever the city council shall be made liable to an action for damages by reason of the unauthorized or wrongful acts, or by reason of the negligence, carelessness or unskillfulness of any person or corporation, and such person or corporation shall also be liable to an action on the same account by the party so injured, the injured party, if he sue the city council for damages suffered by him, shall also join such other person or persons or corporation so liable, if residing within the State, or can be served with process, as a defendant or defendants of his suit. And no judgment shall be rendered against the city council unless judgment is rendered against such other person or corporation so liable for such injury. And if any action be brought against the city council alone, and it is made to appear that any person or corporation ought to be joined as a defendant in the suit according to the provisions of this section, the plaintiff shall be non-suited, unless he amends by making such party or corporation a defendant ; but no person shall be liable under this act to be sued jointly with the city council who would not be liable to be sued separately, irrespective of this provision. When a judgment shall be obtained against the city council and the other party liable as aforesaid, execution shall issue against the other defendants in the ordinary form, and shall not be demandable of the city council unless the other defendants are so insolvent that the same can not be made out of them or their property; and the city council shall pay only so much of said judgment as can not be made out of the other defendants.

Acti'ns against city for damages.

SEC. 4. Be it further enacted. That section seven of this act be amended so as to read as follows: Section 7. Be it further enacted, That the city council shall have power to appoint or elect a treasurer, wharfinger, chief of police and such other officers and patrolmen of police as they may deem necessary, but no person shall be appointed patrolman of the police force unless—1, he is able to read and write the English language ; 2, he is a citizen of the State of Alabama and of the United States ; 3, he has been a resident of said city during a term of one year next prior to his election or appointment; 4, he has never been convicted

Officers elected by council.

Patrolmen.

of any heinous or infamous crime; 5, he is of good health and sound in body and mind; 6, he is of good moral habits and character. The chief of police shall have power to suspend any patrolman of the police for cause, which suspension, together with the cause therefor, shall forthwith be reported by him to the mayor, who, if he deem the cause assigned for such suspension sufficient, may affirm such suspension, or may remove such patrolman ; but, in case of such removal by the mayor the patrolman so removed shall have the right of appeal to the city council, who shall give the party a hearing so soon as the case can be conveniently heard; and if after such hearing the mayor's action in removing such officer is sustained by the council, its finding shall be final; but if the appeal is sustained by the council, the patrolman so appealing shall be at once restored. He shall likewise be restored if the mayor declines to confirm and ratify the act of the chief of police in suspending such officer. It shall be the duty of the city council to adopt such ordinances as may not be inconsistent with the constitution and laws of this State, and with this charter, for the election and appointment of the officers named in this section, and of patrolmen of the police, to prescribe their duties, terms of office, and fix their compensation, and said city council shall have power to prescribe such further qualifications for patrolmen of police as it may deem proper. The city council shall have power to appoint or elect such other city officers as it may deem necessary, and to annex such fees and salaries, terms of office and duties to their several offices as it may deem proper and not inconsistent with this charter; and to impose such fines for neglect of duty in office as it may deem necessary, not exceeding one hundred dollars, and to enforce and collect the same as may be prescribed by ordinance.

SEC. 5. Be it further enacted. That section eight of said act be amended so as to read as follows: The mayor, clerk, recorder, city attorney, city physician and treasurer of said city shall be subject to removal for official misconduct, for gross neglect of duty, or for disability affecting his fitness to fill and discharge the duties of his office by a vote of two thirds of the

Removal from office.

whole number of aldermen elected, the vote being taken by yeas and nays and spread upon the minutes ; five days notice and an opportunity of being heard in his own defense and a copy of the charges against him having been previously given said officer. All other officers, agents, and employees of the city, except as otherwise provided in this act, shall be subject to removal by the city council at pleasure, and without hearing, and all vacancies caused by removals under this section, shall be filled by the city council. Every officer of the city, and his assistants, before entering of upon the duties of his office, shall take and subscribe an oath or affirmation before some person qualified to administer oaths that he possesses all the qualifications prescribed for his office by this charter, that he will support the Constitution of the United States and of the State of Alabama, and the charter and ordinances of the city of Montgomery, and that he will faithfully demean himself in office, which oath must thereupon. be filed in the office of the clerk of the city council. Every officer or employee of the corporation, when required by law or ordinance to give bond, shall, within fifteen days after his election or appointment, and before entering upon the discharge of the duties of his office, give such bond, payable to the city ; to be approved by the city council in such sum, and with such securities, as shall be designated by ordinance, conditioned for the faithful performance of his duties, and that he will pay over all moneys that belong to the city which may come into his hands as provided by law, which bond must be filed with the clerk of the city council, and the city council shall have power to require, from time to time, such additional bond or bonds from such officers or employees as it may deem proper, and all official bonds of the city officers; shall be recorded in the office of the judge of probate of Montgomery county, on payment of the fees therefor, and it shall be the duty of the mayor to have said bonds so recorded. If any person elected or appointed to an office shall fail for fifteen days after such election or appointment to take and subscribe such oath or affirmation or give and file bond, as required by this section, his office shall be deemed vacant, and on such failure being certified to the clerk of the city council

Oath of city officers.

Official bonds.

Mayors to have bonds recorded.

to said city council it shall proceed at once to fill such vacancy. For any breach of the condition of said bond, suit may be instituted thereon by the city council, or by any person in the name of the city council for the use of such person, security for the costs first being given to the city council.

SEC. 6. Be it further enacted. That section nine of iaid act be so amended as to reads as follows : Section 9. Be it further enacted : That the mayor and aldermen shall have the power and authority, for the ordinary expenses of said city, to assess, levy, and collect, annually a tax on real estate and personal property not exceeding one half of one percent, on the cash value thereof and no more in any one year, and the city council shall not contract any debt or incur city liability in the future, for or on account of the city of Montgomery, except such as shall be paid out of the ordinary current revenue collected in the year the debt or liability is contracted ; to enact and ordain that all claims or debts against said city except coupons or bonds, shall be presented to said city council within two years from the accrual of such claim or indebtedness, or be forever barred ; Provided always, That this section shall not affect any liability already incurred by said city. The mayor and aldermen shall have power and authority to pass laws for the assessment, levy, and collection of taxes, not exceeding the following rates: A tax on all pleasure carriages, carryalls and rockaways, not exceeding twenty dollars per annum ; on all buggies, chaises, or otherwise, a tax not exceeding ten dollars per annum ; on all horses a tax not exceeding five dollars each per annum ; on every cart, dray, wagon and other vehicle or the transportation of goods and commodities from one part of the city to another for hire, a tax not exceeding fifty dollars per annum ; on every retailer of spirituous liquors within the corporate limits, a tax lot exceeding five hundred dollars per annum, and on every retailer of vinous or malt liquors within the corporate limits, a tax not exceeding two hundred and fifty dollars per annun ; on every retailer of spirituous liquors within he police jurisdiction of said city, but without the corporate limits of the city, a tax not exceeding three

Tax on property.

Debts by city.

License tax.

hundred dollars per annum ; and on every retailer of vinous or malt liquors within such police jurisdiction but without said corporate limits, a tax. not exceeding two hundred dollars per annum ; Provided, that said city council shall have the power and authority to regulate and fix the tax imposed under this and the last two proceeding sections upon each such retailer in proportion to the value of the location where such retailer shall carry on his business, in no case to exceed the amounts fixed by said two sections ; on every vender of goods, wares, and merchandise, drugs and medicines, or either of them, a tax of two hundred dollars per annum ; on all goods sold at auction a tax not exceeding one per cent. on amount of sales ; on each livery or sale stable, a tax not exceeding seventy-five dollars per annum, and one dollar per head for each mule or horse sold at public auction or private sale in said city ; on all offices or agencies of gift enterprises, lotteries, or business of like character, a tax of not exceeding one thousand dollars per annum ; on all insurance offices or agencies for insurance on life or otherwise, foreign or domestic, for each company represented, a tax not exceeding two hundred dollars per annum ; on all banks or bank agencies or brokers or dealers in exchange, a tax not exceeding five hundred dollars per annum ; all persons buying cotton on commission, shall pay for a license to engage in such business a tax not exceeding one hundred dollars per annum; keepers or proprietors of hotels, eating houses, restaurants, boarding houses or taverns where the public are fed for a consideration, shall pay a tax not exceeding five per cent on the annual value of the rent of the building so used or employed by them, per annum ; theaters, for each exhibition, or any public exhibition in the nature, a tax not exceeding ten dollars ; circuses, for each day, a tax not exceeding fifty dollars; on all lectures where an admission fee is charged, except for charitable or benevolent purposes, a tax not exceeding twenty-five dollars for each day's performance; all transient persons engaged in the business of selling merchandise, a tax not exceeding twenty-five dollars per day; lawyers, doctors, dentists, photographers and daguerrean artists, a tax not exceeding fifty dollars per annum; billiard, pool, bagatelle and other tables kept for playing, a tax not exceeding one

hundred dollars per annum for each table; on ten pin alleys, a tax not exceeding fifty dollars on each alley; concerts for profit, a tax not exceeding five dollars each; auctioneers, a tax not exceeding one hundred dollars per annum ; warehouses kept for the storage of cotton, a tax not exceding five cents per bale on all cotton stored ; on all public scales, a tax not exceeding twenty-five dollars per annum ; on all furniture and silver plated ware above the value of five hundred dollars, a tax not exceeding one per cent on the value thereof; pistols or shooting galleries, a tax not exceeding fifty dollars per annum ; gold watches, a tax not exceeding one dollar each ; gold safety or fob chains, a tax not exceeding fifty cents each ; companies for the manufacturing of gas, a tax not exceeding two hundred dollars, independent of the value of the property, per annum; on all steamboats lying at the wharf, per day or any part thereof, a tax not exceeding fifteen dollars; all telegraph companies having an office in the city, on the business of sending and receiving telegraph messages to and from points within the State, a tax not exceeding two hundred and twenty-five dollars per annum; on all other business of every kind where a commission is charged for the service performed, a tax not exceeding one-fourth of one per cent on the gross sale or receipts; on all recipts by cotton compresses for compressing cotton, a tax not exceeding two hundred dollars per annum ; on all planing, flouring, grist mills and all other establishments run by steam, a tax not exceeding one hundred and fifty dollars per annum ; on all manufacturing establishments, builders and contractors, a tax not exceeding fifty dollars per annum ; cotton pickeries and establishments for ginning cotton, a tax not exceeding one hundred dollars per annum ; all other manufacturing establishments, a tax not exceeding one hundred dollars per annum ; on each ice cream saloon, a tax not exceeding ten dollars; on soda fountains, a tax not exceeding two dollars per annum ; on all express companies having an office in the city on the business of carrying express matters from Montgomery to other points in the State, and from such other points to Montgomery, a tax not exceeding five hundred dollars per annum; on intelligence offices, a tax not exceeding fifty dollars per annum; pawnbrokers, a tax not exceeding one hundred dollars per annum; on all railroad companies having an

office in the city on the business of transporting freight and passengers from Montgomery to other points in the State, and from other points in the State to Montgomery, a tax not exceeding five hundred dollars; on coal and lumber yards for the sale of coal, lumber, shingles or other building materials, a tax not exceeding one hundred dollars per annum ; on all itinerant peddlers, a tax not exceeding two hundred dollars per annum; on all public halls a tax not exceeding five dollars per night; on every person who engages as runner or drummer in the city, who for a compensation drums or undertakes to do business for others, a tax not exceeding fifty dollars per annum; on all real estate agents who buy, sell, lease, or engage in the business of dealing in real property, a tax not exceeding fifty dollars per annum ; on all gross sales by auctioneers, a tax of one-fourth of one per cent on the amount sold ; on all commissions received by any person or persons for any service or labor performed in any business other than the sale of merchandise, a tax not exceeding one-fourth of one per cent; on all printing offices, a tax not exceeding one hundred dollars per annum. And said city council shall have the right to levy a tax on all business, trades, occupations and professions not above enumerated ; Provided, that the said city council shall not levy or collect a license tax from liquor dealers outside of the corporate limits of said city, but within the police jurisdiction thereof, until after the expiration of the county license which they have already taken out for the present license year.

SEC. 7. Be it further enacted. That section fourteen of said act be so amended as to read as follows: Section 14. The mayor of the city of Montgomery shall be at least twenty-five years of age, and five years a citizen of the State of Alabama, and three years of the city of Montgomery. He shall have no vote in the city council, and shall not be a member thereof. He shall keep his office at the city hall. He shall see that all laws and ordinances and resolutions passed by the council and approved by him are published in some newspaper which is published daily in the city of Montgomery, as may be required by the council, and shall see that such laws and ordinances within the city and police jurisdiction of said city are properly executed. He shall from time to time lay before the council a full statement of the condition of

Mayor, and his duties.

the affairs of the city, and may communicate in writing with the council at all times, and at least once a year suggest to the city council such changes in the laws and government of the city as he may deem wise. He shall report to the council any officers of the city or persons employed by the city who are reported to him or of whom he has knowledge, as having committed any act for which they should be removed from office, and may in his discretion suspend such officer or employee and temporarily fill the vacancy thus created until the action of the council on his report. He shall make proclamation whenever he may deem it necessary for the health of the city, or whenever so instructed by the city council, in order to prevent contagious or infectious diseases from being introduced into the city, prohibiting all persons and goods from infected localities from entering said city, and under ordinances to be adopted for that purpose shall have power to offer rewards for the detection and punishment of all violations of such proclamation. The mayor shall see that all contracts or agreements with the city are faithfully kept and performed, and to this end, he shall cause legal proceedings to be instituted and prosecuted against all persons or corporations failing to fulfill their agreements with the city; and it shall be the duty of every city officer, when it shall come to his knowledge that any contract with the city relating to the business of any office has been violated by the other contracting party, forthwith to report the fact to the mayor. The mayor alone shall have power to remit or commute fines,.costs, forfeitures, and penalties duly imposed for violation of any ordinance and shall make a report of the same to the city council at the next session thereafter, and shall in his annual message to the council attach a statement of all such fines, costs, forfeitures remitted by him. All ordinances and resolutions intended to be of permanent operation, after having been passed by the council, shall be transmitted to the mayor for his consideration, who if he shall approve thereof, shall sign and publish the same ; and such ordinances and resolutions shall thereupon have the force of law. But if the mayor shall disapprove of any ordinance or resolution transmitted to him as aforesaid, he shall within five days of the time he received it return the same to the clerk of the city council, with his objections in writing, and the clerk of the city council shall

make report thereof to the next session of the city council ; and if a majority of the members elected to said council shall adhere to the said ordinance or resolution notwithstanding said objection,-said vote being taken by yeas and nays and spread upon the minutes, then, and not otherwise, said ordinance or resolution shall, after publication thereof, have the force of law. The failure by the mayor to return an ordinance with his veto within five days to the clerk of the city council, shall operate and have the same effect of an approval of the same, and the clerk of the city council shall publish the same as is herein provided for the publication of saws and ordinances of said city. Any ordinance or resolution making an appropriation or fixing the number and salaries of employees or officers of said city, may be approved in part or vetoed as to specific items mentioned by the mayor in his veto message. It shall be the duty of the mayor to appoint each year, and he may do so oftener if the deems it advisable, one or more persons to examine carefully the books and accounts of all officers of said city who handle any of the money of said city, and to report the result of said examination to the city council; and such examiner or examiners so appointed shall receive such compensation as the city council may decide. In all judicial proceedings where by law, bonds and securities are required for litigants bond shall be given for the city of Montgomery ; but no security shall be required therefor. All such bonds shall be executed by, the mayor, but shall import no liability against him individually, and shall be taken by the courts of the State as a full compliance with the law in such cases, and all acts or parts of acts inconsistent with this provision are repealed so far as the city of Montgomery is concerned. The mayor shall exercise general supervision over the fiscal affairs of the city, the collection and return into the treasury and disbursement of all revenue and moneys of the city, of all property, assets and claims, and the sale or other disposition thereof, and shall see that all necessary legal proceedings are had for the protection of the city's interests in all its property, assets and claims ; that proper rules and regulations are prescribed in relation to all accounts and settlements, and all reports connected with the fiscal returns of the city ; that no expenditure is made from the treasury without the authority of law. He is especially charged with the

preservation of the credit and faith of the city in relation to the public debt and other liabilities, and whenever it is necessary to meet the payment thereof, principal or interest, he shall sec that proper provision is made for that purpose, provided that this shall not authorize the mayor to bind the city or to borrow money otherwise than may be provided by ordinance of the city council applicable to the particular debt or liability He shall make annual reports to the city council as to the financial condition and requirements of the city, with careful statements and estimates of receipts and expenditures, and also of such other matters as he may deem proper. he shall be the chief executive officer of the city, and shall perform all such duties and functions, in addition to those herein prescribed, and not inconsistent with the laws and constitution of this State, and the provisions of this charter as may be required of him by the ordinances and resolutions of the city council, and shall receive such salary as the city council may prescribe, which shall not be increased or diminished during his term of office. In the event of the absence, death or failure of the mayor to act from any cause, the president of the city council or acting president thereof, shall perform the duties of mayor until the mayor returns or his disability or inability is removed, or until the office is filled in the manner herein provided.

SEC. 8. Be it further enacted. That sections fifteen and sixteen of said act are hereby amended so as to read as follows: Section 15. Be it further enacted, that the Assessment of said city council may cause an assessment of taxes to be taxes. made in each year by the city clerk or other proper and fit person or persons, the assessment naming the person liable to such taxes, when known, and specifying the property when the owner is not known, which assessment shall be returned to the mayor, and by him laid before the aldermen, and the mayor shall cause at least ten days Complaints. public notice that such assessment has been made, and the time when the aldermen will proceed to hear and determine upon all complaints which may be made against such assessment, and it shall be their duty to correct the errors and supply omissions, and when the same has been passed upon by said city council the said assessment shall have the force and effect of judgment and execution and may be collected by levy and sale of property on giving Sales. such notice as is required by law on execution from the

circuit court; the city council of Montgomery shall have a prior lien upon all the real estate and personal property assessed for taxes over and above all other liens that may exist thereupon, except those of the State, and upon all sales made under and by virtue of such assessment or by decree of the city court of Montgomery, the purchaser or purchasers at such sale or sales shall acquire a title superior in the order of priority of lieu to that of any lien in existence, save those of the State ; Provided, that the duties in this section above required of the aldermen, except as to issuing process, may be devolved upon a board of assessors, and the assessment approved by them shall have the same force and effect as if approved by the aldermen ; and no sale of real estate or personal property for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person or owner, or as the property of an unknown owner, or on account of any informalities whatever in any of the proceedings for its assessment and sale, unless the person impeaching such shall show that the taxes so assessed on such property and the penalties and costs accruing on such assessment and the proceedings for sale, were paid before said sale. Section 16. Be it further enacted, that the said city council is hereby authorized and empowered to pass laws for the sale of personal property in said city for taxes,whether the said personal property belongs to resident or non-resident owners, or to persons unknown; and that the owner or any person for him, or any mortgagee or any person having a lien, shall be allowed to redeem any real estate at any time within two years from the day of sale, sold for taxes or assessments under section 15 of this charter or under decree of the city court of Montgomery on paying the purchaser or city treasurer for him double the amount of taxes and assessments, costs and expenses of reconveyance and legal interest on the amount paid at such sale from the date of sale to the redemption; any surplus; arising from said sale to bo paid into the city treasury, to be kept by the treasurer for the owner upon the responsibility of his bond; interest shall be collected on all taxes assessed from the first of December next, after the assessment, if not paid by that day; and when any lot or part of lot or personal property has been assessed to an unknown owner the assessment shall be prima facie evi-

Tax-title.

Board of assessors.

Validity of sale.

Sale of personal property.

Redemption of realty.

Surplus from sale.

Interest.

dence of the fact; and the city council may by its agent
City may pur- purchase property, real or personal, sold for taxes or
chase. assessments, and in the event of a sale of real estate for
taxes or assessments and a purchase thereof by the city,
the deeds for the same shall be made to the city council
of said city, and the property may be redeemed as other
lands sold for taxes as aforesaid, and when any lands are
redeemed under this act, the purchaser or his grantee
shall reconvey to the person so redeeming at the latter's
expense. The mayor in such cases shall reconvcy for the
city. Whenever the city treasurer shall discover that
any person or property in said city, liable for taxation has
Escaped taxes. escaped taxation in any previous assessment, he shall
assess the taxes thereon for such years as such person or-
property has escaped taxation ; and where he has reason
Attachments to believe that any person who has been assessed is about
to leave the city without paying the city taxes assessed
against him, or that any person assessed for city taxes is
insolvent and a defaulting tax-payer, or, if said tax is not
due, that there is danger of the city's losing the tax
assessed against such insolvent, it shall be the duty of said
city treasurer forthwith to make oath of such facts or
fact before some justice of the peace in said city author-
ized by law to issue attachments and garnishments, and
upon snch oath being so made and bond being given by
the city as now required by law in cases of attachments
and garnishments, except that no security shall be re-
quired on such bond, it shall be the duty of such justice
of the peace to issue an attachment against the property
of such tax-payer or a garnishment, or both, as said treas-
urer may direct, returnable before such justice, if the
amount i-3 within his jurisdiction, and if not, then to the
circuit or city court in Montgomery county, and the same
proceedings shall be had thereon as provided by the gen-
eral law of the State in cases of attachments and garnish-
ments; Provided, that nothing in this act contained shall
be construed as repealing an act entitled "an act to regu-
Acts not af- late the sale of real estate in the city of Montgomery,
fected. Alabama, for unpaid taxes assessed for municipal pur-
poses ;" approved February 10, 1887, nor as in anywise
affecting any bonds, obligations or liabilities of the city
now existing.

Approved February 28, 1889.

No. 336¾] AN ACT [H. B. 620

To constitute the City of Montgomery a separate school district.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the city of Montgomery, as now established, and as changed from time to time, shall constitute a school district, separate and apart from the remaining school districts in Montgomery county.

Sep'rate school district.

SEC. 2. Be it further enacted. That it shall be the duty of the city council of Montgomery, at a regular meeting thereof, and as soon as practicable after each municipal election every two years, to select six school examiners, who shall be qualified electors and reside in said city, and who shall not be members of said city council. Said school examiners shall hold their offices respectively for a term of two years; and it shall be the duty of the said examiners to prescribe and pass upon the qualifications of all persons who are applicants to teach in the public schools of the city, including the city superintendent of said public schools; and before each annual election of teachers, to present to the council the names of all applicants who have been found qualified by them to teach in said public schools, together with their recommendations touching the same, and that out of the names thus presented, the council shall elect teachers for said public schools; but shall have the right in their discretion, to reject any or all nominations made by said examiners. In the event that out of the names thus presented to the council, a requisite number of teachers are not elected, it shall be the duty of said examiners as soon as practicable thereafter, and before the beginning of the succeeding scholastic year, to nominate to the council, other applicants qualified to teach in said public schools, from which names the requisite number of teachers are to be elected by said city council.

School examiners and their duties.

SEC. 3. Be it further enacted, That the said city council shall have the power to lease or to build school houses, and shall have the power to buy or lease lands for the purpose of building school houses, taking the deeds and leases to themselves and their

Power to lease or build school houses, etc.

successors in office, and also to purchase and furnish school buildings and to exercise all control they now exercise in respect to its maintenance and management of said city public schools, not inconsistent with the provisions of the preceding section.

School revenue

SEC. 4. Be it further enacted, That the said school district shall receive its proportionate share of the public school revenue, including a pro rata share of the sixteenth section fund of each township which lies wholly or in part within the said school district, and shall also receive all the taxes collected as poll taxes within the said district, for the use and maintenance of the public schools therein, and for the purposes therein authorized.

May appropriate ten ct. gross revenues.

SEC. 5. Be it further enacted. That the said city council of Montgomery may appropriate not exceeding ten per cent. of the gross revenues of the said city exclusive of the funds hereinbefore provided, for the use and maintenance of the said schools, and may also make such appropriation as may be necessary for the furnishing, lease and erection of school buildings, and for the purchase and lease of lands on which to erect school houses.

May remove officers of teachers.

SEC. 6. Be it further enacted, That by and with the consent of said school examiners, said superintendent of the schools or any officer or teacher therein, may at any time be removed by said council, and when removed shall be ineligible for re-election during the term for which they were originally elected. All vacancies in the offices .of superintendent and teachers shall be filled in the manner provided for in section 2 of this act.

Duties of sup't of schools.

SEC. 7. Be it further enacted. That the superintendent shall personally overlook and supervise and manage the said schools under the direction of said city council; shall attend to the taking of the school census (with such assistance as may be allowed him by the said city council), whenever such census is required to be taken, and shall make full and complete reports to the State superintendent of education and to said city council.

SEC. 8. Be it further enacted. That all laws or parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 28, 1889.

No. 337] AN ACT [s. 259

To incorporate the Fidelity Mortgage and Trust Company of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That James S. Pinckard, John G. Lugenbeil, Joseph M. White and Judah T. Moses, of the State of Alabama, Benjamin Miller and R. T. McCarter, of the State of Pennsylvania, and J. F. F. Brewster and J. P. R. Sherman, of the State of Massachusetts, and such other persons as shall hereafter become associated with them, and their successors and assigns, be and they are hereby constituted and made a body politic and corporate, with perpetual succession, under the name of Fidelity Mortgage and Trust Company of Alabama, and by said name shall be competent in law to contract and be contracted with, sue and be sued, plead and be impleaded in any court having jurisdiction of the matters involved ; to have a common seal, which may be changed, to make such by-laws and regulations for the management of their business and the control of their officers, agents and servants, as they may deem proper, not inconsistent with the laws and constitution of this State, or the United States, and to have an exercise the rights, powers and priviledges incident to such corporations, and those hereinafter specially conferred.

Corporators

Right, powers, etc.

SEC. 2. Be it further enacted. That said corporation shall have the right and power to buy, sell, hold and mortgage real and personal property; to loan money on real estate, personal property, and other security; to purchase, sell and hypothecate mortgages and deeds of trust; to purchase and sell United States Government, State and municipal bonds, and other securities ; to buy and sell real estate, personal property, and securities on commission; to negotiate loans, and to guarantee the payment of the principal or interest thereof, one or both, if desired ; to issue bills of exchange, foreign or domestic; to discount, buy, sell, hypothecate and collect bills of exchange, promissory notes or other evidences of debt, or bonds, or securities, or choses in action ; to buy, sell and hypothecate gold and silver bullion and coin ; to receive deposits of

money or other things of value ; to endorse and become security for individuals, firms or corporations, who may negotiate loans through it; to accept and execute such trusts as may be committed to it by individuals, corporations or courts.

SEC. 3. Be it further enacted, That said corporation shall have the power and authority to make abstracts of titles to land, and to insure parties, dealing in reference thereto, against loss by reason of any defect in said abstracts, or in said titles if it may so elect.

SEC. 4. Be it further enacted, That said corporation shall have the power and authority to act as agent or broker of and for resident or non-resident corporations and natural persons in and about the negotiating, obtaining and placing loans on real estate mortgage or other security, bearing interest at the lawful rate, and to act therein for either the borrower or lender, or as middle man between the two, and to charge and receive from either the borrower or lender such compensation or commission for its services in the premises as may be agreed upon between it and the party for whom the service is rendered.

SEC. 5. Be it further enacted, That said corporation shall have the power and authority to act as the fiscal agent of any State, town, domestic or foreign corporation, or municipality in receiving, disbursing or investing of money or other property, or for issuing, registering or countersigning bonds or certificates of stock and paying coupons, negotiating the sale of securities or bonds, or guaranteeing their payment; and for such services may charge and collect such compensation as may be agreed upon.

SEC. 6. Be it further enacted. That said corporation shall have the power and authority to issue debenture bonds in such aeries, classes and denominations, and bearing such interest, as to it may seem fit, upon the following conditions: Before any debenture bonds are offered for sale said corporation shall select not more than two trustees, and these trustees shall be men or corporations of well established character, standing and ability, and may reside in the particular locality where the proposed class and series of bonds are to be offered for sale, and place in their custody and control first mortgage or trust-deed real estate loans belonging

May issues debenture bounds.

to said corporation, to be by said trustees held as a guarantee for the payment by said corporation of the particular class and series of debenture bonds issued against said loans as hereinafter provided, and this fact shall be written or printed, together with the names and residences of said trustees, conspicuously on said bonds, and the contract between said corporation and said trustees shall set forth and distinctly state that said first mortgage or trust-deed real estate loans are held by said trustees in trust for the purchaser of said bonds. And when said trustees have been selected and have entered into a contract with said corporation, accepting said trust, and when said corporation has placed in the custody and control of said trustees first mortgage or trust-deed real estate loans as aforesaid, said corporation shall then have the right to offer for sale its debenture bonds in such denominations, not less than one hundred dollars, and to run for such time as it may elect, to an amount not exceeding ninety per centum of the face value of such first mortgage or trust-deed real estate loans, so deposited with, and held by said trustees as security for that particular class and series of debentures, and every series of debenture shall be entirely separate and independent in the matter of securities, as may also be the trustees, but no debenture shall be offered for sale for which a deposit of first mortgage or trust-deed real estate loans has not previously been made as hereinbefore provided. And said corporation, whenever it shall produce and surrender any of its debentures of any particular class and series, shall have the right to call on the trustees of said particular class and series to deliver and surrender a pro rata share of the securities held for the payment of that particular class and aeries, and they shall do so; whereupon said corporation shall cancel the debenture so surrendered, and said corporation shall further have the right, at any time, to withdraw from the custody and control of the trustees any securities previously placed with them by substituting for those proposed to be withdrawn others of equal value. And said corporation shall further have the right to receive all interest upon securities held by said trustees so long as the interest on its debentures, for which the securities were pledged, is promptly paid, but no

longer; but should said trustees at any time have reason to believe that the securities held by them are not good and sufficient for their par value, they shall have the right to call upon said corporation to make good the deficit, or to substitute other securities for the objectionable ones, and if this should not be done, said corporation shall not be entitled to collect and retain any interest upon the securities so held until such request is complied with, or the deficit made good, but shall turn over to said trustees all interest so collected. And should said corporation at any time desire to convey to said trustees any real estate, the title to which is vested in said corporation, as a part of the securities for its debentures of any particular series, said trustees shall accept the same as security for not exceeding fifty per centum of its appraised cash value. And should said corporation make default for ninety days in the payment of either the principal or interest of any of its debentures, the trustees holding the securities of the class and series of debentures on which default is made, may at once proceed to collect or sell the securities in their hands, held as security for the same, and at once apply the proceeds to the payment of the defaulted principal or interest, as the case may be, and the expense of this proceeding shall be borne by said corporation.

SEC. 7. Be it further enacted. That the capital stock of said corporation shall be one hundred thousand dol-
Capital stock. lars, but may be increased by vote of the majority of the stockholders to any amount not exceeding five hundred thousand dollars. Said capital stock shall be divided into shares of one hundred dollars, and the stock of each stockholder shall be liable to said corporation for all debts or demands due it on said stock, and said stock may be sold for such debts in such manner as shall be prescribed by the by-laws of said corporation. The managing board of said corporation shall consist of not less than three nor more than thirteen directors, who shall, in their by-laws, provide for the creation of such officers, agents and servants, and for the holdings of such regular or stated meetings as they may deem necessary. The principal place of business of said corporation shall be at Montgomery, in this State, but it may establish agencies or branch offices at other places.

SEC. 8. Be it further enacted, That said corporation shall be authorized to commence business when fifty per centum of its capital stock is subscribed for by actual bona fide subscribers, and twenty per centum of such subscription is actually paid in.

Approved February 20, 1889.

No. 338.] AN ACT [H. B. 690

To regulate the fine and forfeiture fund of Madison county.

SECTION 1. Be it enacted, by the General Assembly of Alabama, That the county treasurer of Madison county shall keep a registry of all claims which are payable out of the fines and forfeitures of the county, showing date of claim, when issued or allowed, amount, and on what account it accrued, and the date of its registration; and no claim payable out of said fund shall, in any manner, be received or paid until the same shall have been so registered, and said claims shall be paid by the county treasurer, or any other person or persons acting as such, in the order of their registration, except as otherwise provided by this act.

Claims on fine and forfeiture fund.

SEC. 2. That all the hires of the convict labor of Madson county shall be received by the county treasurer, or any other person or persons acting as such, and placed to the credit of the fine and forfeiture fund, and shall be disbursed by him according to the provisions of the first section of this act; and that said hires for convict labor shall be payable only in lawful money of the United States.

Convict hires.

SEC. 3. That all claims due to solicitors, clerks of courts and sheriffs, payable out of the fine and forfeiture fund, shall be itemized and sworn to by such officer, and examined and approved by the judge of the court in which the case arose, and the same shall be registered as provided by the first section of this act.

Officers' claims.

SEC. 4. That State witness tickets payable out of the fine and forfeiture fund, solicitors', sheriffs' and clerks' claims payable out of said fund, shall be receivable for any fines and forfeitures due the county, at the value ex-

Claims receivable.

pressed by said tickets and officers' claims; and when the same shall be paid into the comity treasury, bank, or other place of deposit, the county treasurer, or any other person or persons acting as such, shall mark on his registry of said claim that the same is paid, the date, and to whom; but no officer's claim, made out and sworn to according to the provisions of this act, shall be received by installments or part payments thereof, unless the same shall have been presented to the court of county commissioners or board of revenue; and warrants therefor in fractional parts, against said fund, issued by such court or board, which warrants shall bear the same date as to registrations the original claims had ; and the county treasurer or any other person or persons acting as such, shall cancel on his registry the original claim; Provided, that when the county treasurer, or other person or persons acting as such, shall pay money out of the county treasury belonging to the tine and forfeiture fund, he shall first pay the registered State witness tickets, payable out of said fine and forfeiture fund.

Hirer of convicts.

SEC. 5. That when any convict, sentenced for hard labor for the county, to pay fine and costs, the hirer of such convict shall pay to the proper officer the costs due to witnesses and officers of courts, which accrued on such conviction on behalf of the State, in advance.

Time to register claims.

SEC. 6. That all the witness tickets and claims due from, and payable out of the fine and forfeiture fund, shall be registered with the county treasurer or any other person or persons acting as such, within twelve months from the time they become payable, or they shall be forever barred, and the same shall not be registered nor received in payment of any debt due to the county.

State witness' tickets.

SEC. 7. It shall be the duty of the county treasurer or any other person or persons acting as such, during the first week in January and July of each year, to give notice by publication once a week for three successive weeks, in some newspaper published in Madison county, to all persons holding registered State witness tickets, included in the numbers designated in said notice, to present said tickets for payment within six months from and after the first Monday in February and August following; and if any of said State witness tickets are not presented within the time specified, they shall forever after be barred, and said county treasurer or any other person or

persons acting as such, shall cancel all State witness tickets not presented as required by this notice, and apply so much of said fine and forfeiture fund, payable on said tickets, to the payment of the State witness tickets next in order entitled to be paid.

SEC. 8. That if at any time there shall be any funds remaining after outstanding witness tickets are paid up to date of notice, such funds shall be applied to the payment of officers' fees under the provisions of this act, it being the true intent and purpose of this act that all funds coming into the, fine and forfeiture fund of Madison county shall be applied to the payment of witness tickets, so long as there shall remain any of said tickets unpaid that are entitled under this act to be paid.

SEC. 9. That it shall be the duty of the county treasurer or any other person or persons acting as such, to publish the notice above provided for, in any newspaper in Madison county offering the lowest rates, and pay for the same out of the fine and forfeiture fund; said notice shall be in the following form : The State of Alabama, Madison county. Notice is hereby given to all holders of State witness tickets, from number————to number ————inclusive, to present the same at my office for payment, on or before the first Monday in———188—or they will be forever barred. ——————County treasurer of Madison county.

SEC. 10. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 20, 1889.

No. 339.] AN ACT [H. B. 746

To amend the charter of the Peoples' Saving Bank, a corporation organized in the county of Jefferson, under the general laws of the State of Alabama, so as to change its name to the "Peoples' Saving Bank and. Trust Company," and as to confirm in said corporation under the name of the "Peoples' Saving Bank and Trust Company," all the rights, powers and privileges that were vested in it under the name of the "Peoples' Saving Bank," and so as to enlarge the powers, rights, franchises and privileges of said corporation.

SECTION 1. Be it enacted by the General Assembly of

Alabama, That the corporate name of tire "People's
Corporation. Saving Bank," a corporation organized in Jefferson coun-
to under the general laws of the State of Alabama be,
and the same is hereby changed to the "Peoples' Saving
Bank and Trust Company."

SEC. 2. Be it further enacted. That said corporation,
under the corporate name of the "Peoples' Saving Bank
Rights, pow- and Trust Company," shall have and possess all the
ers, etc. rights, powers, franchises, privileges, and immunities that
were heretofore vested in it by the corporate name of the
"Peoples' Saving Bank" under the general laws of Alabama,
and all the general laws of the State of Alabama,
applicable to the incorporation of banks, shall be and are
hereby made applicable to the said corporation, the "Peo-
ples' Saving Bank and Trust Company."

SEC. 3. Be it further enacted. That the capital stock
of said corporation shall consist of five hundred shares of
Capital stock. the par value of one hundred dollars each, being fifty
thousand dollars, with the privilege of increasing the same
by a vote of the stockholders at a special meeting called
for that purpose to an amount to be determined on by
said stockholders, but not to exceed five hundred thou-
sand dollars; the stockholders may elect three or more
directors to serve until the ensuing annual election, or
until their successors have been duly elected and quali-
fied, and the directors of said company so elected, may,
Directors. and they are hereby authorized and empowered to have
and to exercise in the name and behalf of the company,
all the rights and privileges which are intended to be
hereby given, and should the capital stock be at any time
increased, the stockholders at the time of such increase,
shall be entitled to a pro rata share of such increase up-
on the payment of the par value of the same.

SEC. 4. Be it further enacted. That the directors of
said company shall be elected annually by the stockhold-
ers, and they shall elect from their number at the first
Officers. meeting of the board after their election as prescribed
by section three of this act, a president, vice-president,
and cashier, and shall have power to appoint and employ
such other officers, clerks and agents as the business of
said company may from time to time require. All elec-
tions shall be by ballot, and at such elections, and at all
meetings of stockholders every stockholder shall be enti-
tled to one vote for every share of stock held by him;

but no person shall be eligible as a director who is not a stockholder.

SEC. 5. Be it further enacted, That the directors shall have power to declare such dividends of profits of said company as they may deem proper; Provided, that no dividend shall be declared where the capital would be impaired thereby. Dividends.

SEC. 6. Be it further enacted. That the president, vice-president, cashier and directors of said company shall be, and they are hereby authorized and empowered to receive and keep on deposit all such valuables, gold, silver or paper money, bullion, precious metals, jewels, plate, certificates of stock or evidence of indebtedness, deeds or muniments of titles, or other valuable paper of any kind, or any other article or thing whatsoever that may be left or deposited for safe keeping with said company, and shall be entitled to charge such commission or compensation therefor as may be agreed upon, and for the complete preservation and safe keeping thereof, may construct, erect and purchase such fire and burglar proof buildings, vaults, iron or composition safes, or other means which may be or become necessary, and generally to transact and perform all business relating to such deposit, or safe keeping or preservation of all such articles or other valuables as may be deposited with said company, and also to invest the capital or said funds that may be deposited with said company for that purpose from time to time in the public funds of the United States or of this State, or in any stock or property whatsoever, and to dispose of said stocks, money and property in such manner (not contrary to law) as to them shall appear most advantageous to said company. Deposits.

SEC. 7. Be it further enacted. That said company shall have power to receive and hold on deposit, and in trust, and as security, estate, real, personal and mixed, including notes, bonds, obligations of States, companies, corporations and individuals, and the same to purchase, collect, adjust, settle, sell and dispose of, and upon such terms as may be agreed upon between them and the parties contracting with them.

SEC. 8. Be it further enacted, That the said company be, and it is hereby authorized to accept and execute trusts of every and any description which may be committed or transferred with its consent to it by any Trusts.

person or persons whatsoever, bodies corporate or public, or by any court in the State of Alabama, or in the United States of America, and to accept the office and appointment of executors or administrators of any kind or nature, whenever such appointment is conferred or made by any person or persons, or by any probate court or other court either in this State or in the United States, and that in all cases where application shall be made to any court in this State or in the United States for the appointment of any receiver, ' trustee, administrator, executor, assignee, or guardian, it shall be lawful for such court, if it shall think fit, to appoint the "People's Saving Bank "and Trust Company," with its assent, such receiver, trustee, administrator, executor, assignee, or guardian, and the account of said company as such receiver, trustee, administrator, executor, assignee or guardian shall be subject to all orders or decrees made by the proper tribunal under the laws of the State.

SEC. 9. Be it further enacted, That when any court shall appoint the said company as receiver, trustee, ad-

Security. ministrator, executor, assignee, or guardian, or shall order the deposit of money or other valuables of any kind with said company, the capital stock as paid in shall be taken and considered as the security required by law for the faithful performance of its duties; Provided, the said court shall be absolutely liable in case of any default whatever. The court may from time to time appoint suitable persons to investigate the affairs and management of said company, who shall report to such court the manner in which such investments arc made, and security afforded to those by or from whom its engagements are held, or the court may if it deem necessary, examine the officers and directors of said company under oath or affirmation, as to the security aforesaid.

SEC. 10. .Be it further enacted, That any executor,

Authority to deposit with. administrator, guardian or other trustee, or public officer having control of any bonds, stocks, securities, moneys, or other valuables belonging to others, shall be and is hereby authorized to deposit the same for safe keeping with said company.

SEC. 11. Be it further enacted, That the said cor-

Property transactions. poration is authorized to take, hold and enjoy all such estates, real, personal and mixed, as may be obtained by the investment of their capital stock and all other moneys

or funds that may come into their possession in the course of their dealings and business, and the same to sell, grant, mortgage, lease and dispose of at pleasure, and to execute, acknowledge and deliver all deeds and other investments in writing concerning the same.

SEC. 12. Be it further enacted, That said corporation is authorized to carry on the business of banking by discounting notes and other bills, receiving and paying out deposits, buying and selling gold and silver bullion, foreign coin and foreign and domestic bills of exchange and commercial securities, bonds and stocks; by lending money upon bonds, stocks and personal security, and upon real estate, and by exercising such incidental powers, not in conflict with the law of the land as are necessary to carry on its said business, including the receiving of deposits for saving and contracting and paying such interest thereon, not exceeding the legal rate of interest declared by the laws of Alabama, as may be agreed upon between it and its depositors, and in absence of such contract at such rate as may be specified in its by-laws. Banking.

SEC. 13. Be it further enacted, That the directors of said corporation shall have power to enact and adopt such rules, regulations, and by-laws for the government and management of the officers of said corporation as they may deem advantageous to the interest thereof; Provided, the same be not contrary to the laws of the land.

SEC. 14. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 20, 1889.

No. 340.] AN ACT [H. B.329

An act to be entitled an act to amend section one, two and three of an act to regulate the taking up of stock in districts where stock of any kind is prevented by law from running therein in Wilcox county, approved February 2, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one (1) of an act to regulate the taking up of stock in districts where stock of any kind is prevented by law from running at large therein Stock running at large.

in Wilcox county, approved February 24, 1887, be and the same is hereby amended so as to read as follows, to-wit: Section 1. Be it enacted by the General Assembly of Alabama, That when stock of any kind is found running at large in districts established under the provisions of any law in Wilcox county, to prevent stock of any kind from running at large therein, any person residing in such district may take up such stock, and for taking up, keeping and feeding the same shall be entitled to not exceeding the following

Fees. fees per day : For every animal of the horse, or mule, or ass kind, twenty five (25) cents ; for every animal of cow kind, fifteen cents; for every animal of the sheep, goat or hog kind, ten cents.

SEC. 2. Be it further enacted. That section two of said act be and the same is hereby amended so as to

Settlement of Damages. read as follows, to-wit: Section two. Bo it further enacted, That when stock of any kind when running at large in districts wherein the same is prevented by law has been taken up, the owner of said stock may claim and take his stock upon the payment of reasonable damages to the person taking up such stock and the fees that may be due for taking up, keeping and feeding the same, and if the owner of the stock dispute; the claim for damages and fees the person taking up the stock must report the same with his claim for damages and fees, verified by affidavit, to a justice of the peace or notary public for adjudication.

SEC. 3. Be it further enacted, That section three of said act be and the same is hereby amended so as to read as follows, to-wit : Be it further enacted. That

Advertising. when stock of any. kind has been taken up in any district where it is unlawful for stock of any kind to run at large, it shall be the duty of the person taking up such stock to advertise forthwith the fact of his taking up such stock, together with a description of such stock, the marks and brands of the same, by posting a notice at the court house door and three public places in the beat or district wherein such stock has been taken up, giving notice that unless the same is claimed within fifteen (15) days from giving such notice, he will sell said stock at public outcry at a place to be named in said notice, and no fees shall be allowed for the keeping and feeding of such stock for any time

prior to the posting of said notice; and. if said stock be not claimed within fifteen days after said notice has been given, it shall be lawful for the person taking up such stock to sell the same at public outcry to the highest bidder, for cash, at the public place named in the said notice ; Provided, that this section shall not be construed to apply to any animal of the horse, mule, or ass kind, and when any animal of the horse, mule, or ass kind is taken up the taker-up must forthwith proceed to estray such horse, mule or ass in the manner now provided by law in estray cases.

Approved February 20, 1889.

No. 341.] AN ACT [H. B. 536

An act to incorporate the Western Contract and Construction Company of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Jno. S. Long/J. H. Fields, W. B. Wood, W. P. Campbell and A. G. Negley, or their successors and assigns are hereby created a body corporate and politic with perpetual succession, by the name and title of the Western Contract and Construction Company of Alabama, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend in all courts and places as natural persons, to have and to use a common seal and to alter the same at pleasure, and to conduct its business and execute contracts in relation thereto, not inconsistent with the constitution and laws of the State or of the United States. Corporation.

SEC. 2. The said Western Contract and Construction Company of Alabama shall have power to contract with any individual or corporation for the construction or equipment of any railroad, street railroad, turnpike, elevator, wharf, bridges and connecting railway lines, canals, parks, roadways, telegraph and telephone lines, or other work or internal improvements in or out of the State of Alabama, and is authorized to receive in payment for any work so done the capital stock, bond or other securities or property of any such Powers.

corporation or individuals, in such manner as the board of directors of said Western Contract and Construction Company of Alabama may deem proper, and the capital stock of said corporation so received and accepted by said Western Contract and Construction Company of Alabama from such corporation or any individual having subscribed for the same in payment for the construction or equipment of any railway, street railway, bridge or other service performed for any of the purposes named herein, shall be deemed and held as fully paid and non-assessable.

SEC. 3. The affairs of said corporation shall be managed by a board of not less than three nor more than eleven directors, to be chosen by the stockholders annually on such day as they appoint in each and every year, notice of which meeting shall be mailed to each stockholder of record five days prior to the date of said meeting. If from any cause such election is not held on the day named, the directors then acting shall hold over until their successors are elected and qualified ; such meeting for such election shall be called upon the request of any three stockholders, and the notice provided for above shall be given of such called meeting of stockholders. The directors, or a majority of them remaining shall have power to fill all vacancies existing caused by death, or resignation among their number, and such person or persons so elected to fill such vacancy or vacancies, shall hold office until their successor or successors are elected and qualified.

Directors.

Capital stock. The capital stock of said company shall be any sum not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, and the same shall be transferable on the books of the company as may be fixed by the by-laws. The r said corporation, or a majority of them, are authorized to open subscription books, and whenever one hundred shares of the capital stock shall have been subscribed for, the subscribers shall meet and elect a board of directors, who shall serve until the annual meeting or their successors are chosen as herein provided for. The board of directors shall have power to adopt by-laws, rules and regulations for the conduct of the business of the corporation, and at such time and place as the majority of said board may fix. The principal office of the said

corporation shall be located in the city of Florence, Alabama. The capital stock shall be paid for upon such terms as the subscriptions therefor shall provide.

SEC. 4. Nothing in this act shall be deemed as an exemption of the property of their corporation from taxation.

SEC. 5. This act shall take effect from and after its passage.

Approved February 20,1889.

No. 342.] AN ACT [H. B. 712

To confer certain privileges in the State of Alabama upon the Chattanooga, Rome and Columbus railroad company, a corporation chartered by the laws of the State of Georgia.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Chattanaoga, Rome and Columbus railroad company, a corporation chartered by the laws of the State of Georgia, is hereby authorized and empowered to construct, maintain and operate its line or lines of railroad into and through this State from the line of this State in Randolph or Cleburne county, to the city of Montgomery, in the county of Montgomery, and to the city of Selma in the county of Dallas, and also such other lines as it may deem advisable and necessary. Authority to construct rail rail

SEC. 2. Be it further enacted. That all the rights, powers, privileges and authorities are hereby given to the said Chattanooga, Rome and Columbus railroad company, to locate its road, acquire its right of way, and issue its stock and bonds upon the whole line or lines of railroad in the State of Alabama, as if it had obtained its charter by authority of the general incurporation laws in the State of Alabama in the first instance. . Rights, powers etc.

SEC. 3. Be it further enacted, That said Chattanooga, Rome and Columbus railroad company shall establish an office in charge of an agent, upon whom legal process can be served and demand for claims of every character be made in each county of this State through

which the said line or lines of railroad may be established.

SEC. 4. Be it further enacted. That the said Chattanooga, Rome and Columbus railroad company, shall as to the business it does, and the line or lines of railroad it shall operate within the limits of the State of Alabama, be as completely amenable to the laws of this State, as if it had been chartered in the first instance by the authority of the general railroad incorporation laws of the State of Alabama, and shall not have any higher or greater right or power within the limits of the State of Alabama than if it had been incorporated as aforesaid, and as to said railroad in Alabama, it shall be subject and treated as a domestic corporation in all respects.

Approved February 20, 1889.

No. 343.] AN ACT [H. B. 824

To authorize James T. Beck and others to establish a public ferry at Ellis Landing, on the Alabama river, in Wilcox county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That James T. Beck and others be and they are hereby authorized to establish a public ferry at Ellis Landing, on the Alabama river, in Wilcox county, Alabama, and are hereby authorized to charge and collect such toll for crossing at this ferry as may from time to time be prescribed by the court of revenue for Wilcox county.

Public ferry.

SEC. 2. .Be it fur/her enacted. That said James T. Beck and others shall give bond and good security, payable to the county of Wilcox, to be approved by the register in chancery of Wilcox county, with the same conditions as are now required of keepers of public ferries in this State, which bond shall be renewed every ten years, unless otherwise required by the court of revenue for Wilcox county for want of Sufficient security.

Bond.

Approved February 19, 1889.

No. 344.] AN ACT [H. B. 249

To remove disabilities of non-age of Miss Lela O. Crews, of Sumter county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the disabilities of non-age of Miss. Lela O. Crews, of Sumter county, be and the same are hereby removed, and she is hereby invested with all rights, powers and privileges she would have if she was twenty-one years of age. Relief.

Approved February 23, 1889.

No. 345.] AN ACT [H. B. 638

An act to incorporate the Highland Home College in Crenshaw county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That J. M. Barnes, Samuel Jordan and M. L. Kirkpatrick of Crenshaw county, Alabama, be and they are hereby created a corporation and body politic with power of succession to continue for such length of time as they may see fit, and their successors shall have all the corporate powers and privileges herein conferred upon them. Corporation.

SEC. 2. Be it further enacted. That the name of the said corporation shall be the Highland Home College, and its domicil and place of business shall be at the said Highland Home College in Crenshaw county, and that the said corporation and their successors shall have power, under and by virtue of said corporate name, to organize and maintain at said Highland Home a college for the education of males and females of the white race, and to grant diplomas to all persons who shall complete the course of study which shall be adopted by said college, and to do and perform all other acts and things which are or may be necessary or proper in carrying out the purposes of a regular college. Name. Powers.

SEC. 3. Be it further enacted. That the said J. M. Barnes, Samuel Jordan and M. L. Kirkpatrick and

their successors are hereby empowered to organize and employ a regular faculty of teachers in said col-
Faculty. lege and to maintain the same, and the said J. M. Barnes and his successors are hereby made the principal of said college and the president of its faculty.

SEC. 4. Be it further enacted. That the said corporation or their successors shall have power under said corporate name to acquire, have, own, receive and possess by gift, grant, purchase, devise, bequest or otherwise real and personal property, and shall have power to dispose of said property by sale, grant or otherwise, and shall have such other rights and powers as are granted to private corporations under existing laws.

SEC. 5. Be it further enacted, Tliat said corporation shall have power to select and employ a police force
Police. on commencement and all public days, sufficient to preserve good order, and the persons thus selected shall have all the powers of a regular police force under the laws of this State.

Approved February 20, 1889.

No. 346.] AN ACT [H. B. 761

To incorporate the "Walnut Grove College at Walnut Grove, Etowah county, Alabama.

SECTION 1. Be it enacted by the General. Assembly of Alabama, That A. J. Philips, T. M. King, J. E. Murphree, B. F. Beavis, J. D. Pettit, L. H. Cornelius,
Corporators. Wm. Bobbins, and their successors in office, shall be and are hereby declared and created a body corporate under the constitution and laws of Alabama, by the same and style of the trustees of the Walnut Grove
Name, etc. College, in the town of Walnut Grove, Etowah county, Alabama, and by the name of the Walnut Grove College shall be able and capable in law and equity, to sue and be sued, to plead and be impleaded, and shall have power to borrow money, receive donations and bequests for the use of such college, to purchase and self and have and hold real estate and other property perpetuity.

SEC. 2. Be it further enacted, That said body corporate, or a majority of the members composing the same, shall have power to pass all such rules, regulations and by-laws, not inconsistent with the constitution and laws of the State of Alabama as they shall see proper and deem advisable for the good government and proper regulation of said college, and shall have power to elect annually, by a majority of its members, a president, secretary and treasurer, and other necessary officers from the members of said body corporate, and to fill all vacancies in said offices; to fix the amount and approve the bond of the treasurer and to change the number of such trustees at pleasure; Provided, such number shall not be reduced below five or raised above twelve, and to adopt a common seal and to alter said seal at pleasure, and to act without such seal, if a majority deem best, as fully as if with seal under the laws of this State. Powers.

SEC. 3. Be it further enacted. That when any vacancy occurs in said board of tustees, by death or otherwise, the same may be filled by a majority of the remaining trustees.

SEC. 4. Be it further enacted. That such body corporate may, by its trustees, adopt and regulate a course of studies, and the same is hereby authorized and empowered to grant to its pupils diplomas and certificates of proficiences as rewards or evidences of merit and skill, having the same efficiency as those granted by colleges and other institutions of learning.

SEC. 5. Be it further enacted. That it shall be unlawful for any person to sell, give away, or otherwise dispose of malt, vinous or spirituous liquors, or intoxicating bitters, within three miles of said Walnut L Grove College; and any person violating this section 13 shall be guilty of a misdemeanor, and on conviction therefor, must be fined in a sum not less than one hundred dollars, nor more than one thousand dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county for not more than twelve months. Liquor prohibition.

Approved February 20, 1889.

No. 347.] AN ACT [H. B. 154

For the relief of the Colored Peoples' Normal School at Montgomery.

SECTION 1. Be it enacted ty the General assembly of Alabama, That the sum of four thousand five hundred dollars, or so much thereof as is necessary, be and the same is hereby appropriated out of any unexpended money belonging to the school fund of the colored race, to pay all claims against the Colored Peoples' Normal School at Montgomery.

Appropriation from school fund.

SEC. 2. Be it further enacted. That the governor is hereby authorized and required to examine all claims specified in section one of this act to the auditor who shall draw his warrant for said amount so certified upon the treasurer, who shall pay the warrant out of the money appropriated in section one of this act.

Approved February 20, 1889.

No. 348.] AN ACT [s. 226

To amend section 1442 (1678) of the Code of 1886; Provided, the same shall only apply to Marshall county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1442 (1678) of the Code of 1886, be amended so as to read as follows :

Section 1442 (1678). How established. —The court of county commissioners of each county is invested with authority to establish toll bridges, free bridges, cause-ways, and ferries within their respective jurisdictions, as hereinafter provided, and may levy a special tax to build such bridges, causeways, and to establish free ferries, when in the opinion of such court, the public good requires it; Provided, that the provisions of this act shall only apply to the county of Marshall.

Special tax.

Approved February 20, 1889.

No. 349.] AN ACT [s. 465

To cede to the United States, for a limited time, jurisdiction to the United States over the site for the erection of the United States government buildings, in the city of Birmingham, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the State of Alabama hereby codes to the United States jurisdiction over the site in the city of Birmingham, which has been, or may be, purchased by the United States authorities for the purpose of: erecting buildings for the accommodation of the United States courts, the post-office, land office, internal revenue office, and other government offices. Said jurisdiction hereby ceded shall continue during the time the United States shall be or remain the owner of such site ; and shall be exclusive for all purposes, except the administration of the criminal laws of this State, and the service of any civil process therein.

Ceding land for U.S. buildings.

Approved February 19, 1889

No. 350.] AN ACT [H. B. 497

To create Covington county into the sixteenth chancery district of the south-eastern chancery division.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county of Covington be and is hereby made a separate chancery district, and that it be known as the sixteenth district of the south-eastern division.

Sixteenth district.

SEC. 2. Be it further enacted. That the courts of said district shall be held at Andalusia, the county seat of said county, twice a year, and continue two days each term, at such times as may be prescribed by order of the chancellor, which shall be published twenty days before the first term of said court.

Times of holding court.

SEC. 3. Be it further enacted. That when said court shall be established as above directed, it shall not be changed to any other time by the chancellor.

Approved February 23, 1889.

No. 351.] AN ACT [H. B. 504

To establish the City Court of Anniston.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there is hereby established in and for the county of Calhoun an inferior court of law and
City court. equity, which shall be called the "City Court of Anniston," which court shall have and exercise all the jurisdiction and power which now are or may hereafter be by law conferred on the several circuit and chancery courts of the State. When exercising the jurisdiction
Jurisdiction. and powers of courts of law, said city court of Anniston shall conform to the rules of procedure and practice in the circuit courts of the State, and when exercising the powers and jurisdiction of courts of equity it shall conform to the rules of procedure and practice in the chancery courts of this State, except where the rules of procedure and practice are changed by this act; Provided, that the presiding judge of said court shall have power to make and adopt such rules of practice not inconsistent with the general rules of practice of the statutes of Alabama, as may be required by a proper system of city practice, and amend the same as may be expedient. Such rules shall be entered of record upon the minutes of said court, and the same may be changed or amended by the supreme court of the State. That the jurisdiction of said court shall be limited to and extend over that part of the territory of said county included within the following precincts of said county of Calhoun as now organized, to-wit: Anniston precinct, No. 15 ; Oxford precinct, No. 13 ; Dearmanville precinct, No. 17, and Maddox's precinct, No. 4, and to causes of action arising within said designated limits, whether the parties reside therein or not.

SEC. 2. Be it further enacted. That a judge for said
Judge appointed by governor city court of Anniston shall be appointed by the governor of the State within fifteen days after the approval of this act, whose term of office shall be four years from the date of his appointment, and in like manner said judge's successor shall be appointed every four
Term, duties etc. years thereafter. The judge so appointed by the governor, as herein provided, shall take the oath of office required by law to be taken by the judges of the cir-

cuit courts, and shall be removed from office for the same causes and in the same manner as the judges of the circuit courts. He shall have and exercise all the jurisdiction and powers which are or may be hereafter lawfully exercised by judges of the circuit courts, and chancellors of the State, including authority to issue writs of injunction, prohibition, certiorari, mandamus, habeas corpus, ne exeat and all other remedial writs returnable to any court in the State.

SEC. 3. Be it further enacted, That the judge of said city court shall be a citizen of Calhoun county at the time of his appointment, and during his continuance in office shall reside in the city of Anniston, and at the time of his appointment shall have been a citizen of the State for the period of five years next preceding his appointment, and shall not be less than twenty-five years of age, and learned in the law. Vacancies in the office of the judge of said city court shall be filled by the governor, and the person so appointed shall hold said office during the unexpired term of his predecessor, and until his successor shall be appointed and qualified.

Vacancies.

SEC. 4. Be it further enacted. That the clerk for the said city court of Anniston shall be appointed by the judge thereof, who shall hold his office during the term of the judge appointing him, unless sooner removed. Such clerk may be removed by said judge for causes specified in the order removing him, and also for such causes and in such manner as is or may be provided by law for the removal of clerks of the circuit courts under section 3, article vii, of the constitution. Before entering upon the duties of his office such clerk shall give bond and security to be fixed and approved by the judge of said court in a sum not less than ten thousand dollars, which must be payable, conditioned and recorded as required by law for bonds of clerks of the circuit courts. The judge of this court may, when he deems it necessary, order the clerk to give an additional bond in such sum as said judge deems necessary, and upon failure to do so for twenty days after such order said clerk may be removed by said judge. Such clerk shall have all the powers and perform all the duties which may be lawfully exercised and performed by clerks of the circuit courts and registers in chancery

Clerk; how appointed; duties, etc.

Bond.

in this State. His fees shall be the same as those allowed by law in like cases to clerks and registers; and
Fees. he shall be subject to the same liabilities and penalties in like cases provided by law for such clerks and registers. He shall reside in the city of Anniston during his continuance in office. Said court shall adopt and keep a seal, which shall be in the custody of said clerk.

SEC. 5. Be it further enacted. That said court shall be held and the office of said clerk and the records
Times of holding court thereof shall be kept at such place in the city of Anniston as may be provided by the court of county commissioners of Calhoun county. Said court shall hold two regular terms in each year, and may continue in session until the business thereof is disposed of. Special terms may also be held when, in the opinion of the judge of said court, they shall be necessary for the proper transaction of business, of which term twenty days' notice shall be given in some newspaper published in the city of Anniston. Regular terms of said court shall be held on the first Mondays in April and October in each year and shall continue open until thirty days before the first day of the next term thereafter.

SEC. 6. Be it further enacted, That in all civil cases at law in said city court the defendants therein shall
Times of filing pleas etc. be required by the summons therein served upon them to appear, plead or demur to the complaint within thirty days after such service of summons and complaint upon them whether such service, shall be executed in term time or vacation. In cases commenced otherwise than by sueing out and service of summons and complaint defendants shall appear, demur or plead within thirty days after perfection of service, notice or publication upon or to them, whether the same shall occur in term time or vacation; and in all cases after thirty days from such service, notice or perfection of publication such cause shall be at issue and triable when the same shall be reached on the regular call of the docket. Any defendant failing for more than thirty days after such service, notice or perfection of publication in any cause to appear therein, demur or plead, shall be held to be in default and judgment by default may be rendered against him whenever such cause shall be reached on the call of the docket; Pro-

vided, that for good cause shown the judge of said city court may allow demurrers, pleas, or other defenses to be filed after thirty days on such terms as he may think just.

SEC. 7. Be it further enacted. That all original and mesne process issuing from said court shall be executed instanter, and returned immediately upon execution thereof by the officer receiving the same. Mesne process

SEC. 8. Be it further enacted. That all appeals in civil cases at law from inferior courts to said city court shall stand for trial when reached on the regular call of the docket, at any time after ten days' notice of the sueing out of such appeal shall have been given the adverse party as required by law. Appeals.

SEC. 9. Be it further enacted, That immediately after the passage and approval of this act there shall be elected a solicitor for said city court by a joint ballot of the general assembly, whose term of office shall continue for four years, and until his successor shall be elected and qualified, which shall be done in the same manner at the end of each four years thereafter. Such solicitor shall be learned in the law, and at the time of his election shall be a citizen of Calhoun county, and shall so remain during the continuance of his term of office. And said solicitor shall be charged with the performance of the same duties in said city court and subject to the same liabilities and penalties in respect thereto as are by law imposed upon circuit solicitors in like cases in the circuit courts of this State, and said solicitor shall receive for his compensation for such service the same fees as are taxed by law for solicitors in criminal cases in the circuit courts of this State, to be taxed and collected in said city court in the same manner as such fees are taxed and collected in said circuit courts ; Provided, however, that the total fees paid said solicitor shall not exceed fifteen hundred dollars per annum, and the balance collected over and above said amount of fifteen hundred dollars shall be paid to the State as the fees of circuit solicitors are now paid. That the solicitor of said court shall have a claim against the fine and forfeiture fund of said county for his fees in cases where convictions are secured, and the fees can not be collected ; Provided, that he shall have such claims Sollicitor; election of; duties, tec.

only in case the aggregate amount of salary in fees received by him for any one year shall fall below fifteen hundred dollars and for the purpose of making up the deficit in his salary to him, which shall be paid as other claims against said fund.

SEC. 10. Be it further enacted. That whenever the judge of this court shall deem it expedient to do so, he may by an order entered upon the minutes of this court, a copy of which shall be served upon each

Juries. member of the jury commission of Calhoun county, require said jury commission at the next meeting of the commissioners' court held thereafter, or earlier if he shall so direct, to draw such number of grand and petit jurors as said judge may deem necessary, and when lists of same are so drawn, enveloped and endorsed by said commission, said jury list shall be filed with the clerk of this court, and said jurors so drawn shall be summoned as now required by law for such weeks as the judge of the court may designate, which summons shall be executed at least ten days before said jurors are required to appear. And when so drawn and summoned said jurors shall be sworn and empaneled as required^ by law. The juries for the trial of capital cases shall be drawn, summoned and empaneled as now provided by law; the judge of this court having for this purpose the same access to and power over the box containing the names of jurors as is conferred by law on the judges of the circuit and city courts of this State. The challenge of jurors in any case shall be the same as now provided by law, and all laws applicable to jurors and juries in the circuit court of Calhoun county, Alabama, shall apply equally to this court, except as otherwise provided in this act; and when ordered by the judge of said city court the president of the board of said jury commissioners, or the member of said board having the custody of said jury box, shall be required to attend on such day of the term of said court as directed by said court with the jury box of said county.

SEC. 11. Be it further enacted. That in all civil

Jury trials. causes at law in said city court the issues and questions of fact shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit, or when

the cause is at issue, or by the defendant at his appearance by endorsing such demand in writing on the summons and complaint, plea or demurrer; Provided, that when a cause is transferred to said city court the demand for a jury shall be made at the time of the application for said transfer, and a failure to demand a jury as above directed shall be deemed and held a waiver of the right of trial by jury; And provided further, that when a cause shall have been tried without the intervention of a jury and a new trial given by the court, or when the same shall have been reversed and remanded by the supreme court, that either party in said cause may demand a jury; And provided further, that the party so demanding a trial by jury shall deposit with the clerk of this court four dollars as a jury tax fee.

Appeal to supreme court.

SEC. l2. Be it further enacted. That in the trial of any cause at law without a jury in said city court in addition to the questions which may be under existing laws presented to the supreme court for review, either party may by bill of exceptions also present for review the conclusions and judgments of the court on the evidence, and the supreme court shall review the same without any presumption in favor of the court below on the evidence, and if there be error, shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings as to the supreme court shall deem right.

Change of venue.

SEC. 13. Be it further enacted. That the venire in any cause in said city court may be changed to other counties than Calhoun, under the same rules and regulations as govern changes of venue in the circuit courts of the State. Cases that are now or hereafter may be pending in the circuit or chancery courts of Calhoun county may be transferred by consent of the parties to the same to said city court, which shall thereupon proceed and dispose of the same as if they had been originally instituted in said city court, and in like manner cases at law may be transferred to the circuit court and cases in equity to the chancery court of said county of Calhoun from said city court; and the clerk or register of the court from which said causes shall be so transferred shall deliver all the papers, pleadings and evidence pertaining to said

causes, together with a certified transcript of all minute entries made therein to the register or clerk of the court to which such cause shall be so transferred.

SEC. 14. Be it further enacted. That appeals may be taken to said city court from inferior courts in the county of Calhoun within the jurisdiction of said court as defined in section one of this act, in all cases where appeals may under the law now or hereafter existing be taken from inferior courts to the circuit courts of said county, and in the same manner, and justices of the peace of said county of Calhoun may bind any person over for his appearance to answer an indictment for any charge to be preferred by the grand jury of said court.

Appeals from Inferior courts.

SEC. 15. Be it further enacted. That the supreme court shall have appellate and supervisory jurisdiction over said city court, and cases in law and equity may be appealed or removed to said supreme court in the same manner and under the same rules that cases are appealed or removed to said supreme court from the circuit and chancery courts of the State. And the appellate and supervisory jurisdiction of the supreme court over said city court or the judge thereof shall be exercised in the same manner as in like cases it is exercised over the circuit courts or the judges thereof, or over the chancery courts or chancellors.

Appeals to sus- inferior courts

SEC. 16. Be it further enacted, That the salary of the judge of said city court shall be two thousand dollars per annum, and the same shall be payable quarterly out of the treasury of the county of Calhoun, upon the order of the said judge, and the same shall be a preferred claim against said county.

Judge's salary

SEC. 17. Be it further enacted, That there may be temporary adjournments of said city court during the terms thereof, such as may be deemed expedient and proper by the judge of the same.

Adjournments.

SEC. 18. Be it further enacted, That the sheriff of said county shall be in person or by deputy required to attend said city court, preserve order and execute and return its process, and perform such other duties in all respects as in the circuit and chancery courts of the State, and he shall furnish all other such subordinate officers as may be necessary to expedite the business of said court, the same as he is now required to do under the laws governing him as officer of the circuit and chancery

Duties of sheriff.

courts of this State. That the said sheriff shall be required to have an office in the said city of Anniston and to appoint a deputy sheriff, who shall reside in said city of Anniston during his term of office. The fees of the officers of said city court for services rendered and the compensation of jurors and witnesses therein shall be the same as are or may be allowed for like services in the circuit and chancery courts of this State and payable in same manner, and such officers, jurors and witnesses shall be subject to the same penalities and liabilities as when acting under the authority of the circuit and chancery courts of the State. The judge of said city court shall have the power and authority to appoint a solicitor pro tempore in case of the absence or disqualification of the , solicitor of said court, who for the convictions under his 16 prosecutions shall be entitled to the same fees as the solicitor of this court. That when a solicitor pro tempore is appointed the amount of the fees collected by him shall be deducted from the salary of the regular solicitor.

Fees.

Solicitor pro tem.

SEC. 19. Be it further enacted,. That after ten days from the rendition of any judgment or decree in said court, unless said judgment or decree direct otherwise, the clerk of said court, unless ordered not to do so in writing entered upon his order book to be kept for that purpose, and signed by the person entitled thereto, his attorney or agent, shall issue execution in term time returnable to the next term of said court, and in like manner upon the order he shall execute any order and decree of sale of any real estate or personal property for which a decree has been rendered in equity in said court, after complying with the rules governing registers in chancery for the sale of real or personal property in this State; Provided, nothing herein contained shall prevent any person from making affidavit and having execution issued immediately as now provided by law ; Provided, further, that unless executions have been otherwise issued they shall be issued and returned as now required by law in the circuit courts of Calhoun county ; And provided further, that nothing herein contained shall prevent the superceding of executions after issuance of the same upon filing bond as now required by law.

Executions.

SEC. 20. Be it further enacted. That the fines and forfeitures accruing in said city court shall be payable only in money, and shall be collected in the same man-

Fines and forfetitures.

ner as fines and forfeitures are now collected in the circuit courts of this State, and shall be paid to the clerk of said court and by him shall be paid, together with said jury tax fees into the treasury of said Cal-
Jury tax. houn county; said jury tax fee to be placed in the general fund of said county, and the amounts arising from fines and forfeitures to be placed in the fine and forfeiture fund of said county, to the credit of the general fund of said county, and shall make such payments quarterly, commencing April 1st, 1889; and on the first Monday in February and August, 1890, and on such days in each year thereafter, the clerk of said
Duties of clerk. city court shall make a report in writing under oath, to the county treasurer of said Calhoun county, showing the number of convictions, the offense for which each was convicted, the fine assessed against each, the number of forfeitures taken, the amount of jury tax fees, and the amount of solicitor's fees taxed, together with the items and the amounts collected in each case, and the disbursements of same which have accrued in said city court during the year preceding, and shall at such terms pay over to said treasury all such moneys coming from either source above mentioned, which shall then be in his hands.

SEC. 21. Be it further enacted. That all laws of a general nature now in force or that may be hereafter enacted, giving jurisdiction to the circuit and chancery
Laws applying courts of this State, shall be held to extend and apply to court. to the said city court of Anniston, although said city court may not be mentioned therein, unless the contrary be expressly provided, but the provisions of sections eight and nine of this act shall not be changed by any general law, unless such law shall be made expressly applicable to said city court by name.

SEC. 22. Be it further enacted, That in all civil cases at law, this court may sit down any cases for
May hear cases is hearing on the pleadings alone and render judgment on pleadings. or judgments thereon, and from such judgment or ruling, an appeal lies to the Supreme Court, to be taken within thirty days after the rendition of such judgment, but nothing herein contained shall prevent an assignment of error on such judgment, on appeals taken after the final determination of the cause, if appeals are not taken under this section.

SEC. 23. Be It further enacted. That all cases of misdemeanors returned by justices of the peace or appeals from justices or other courts of said county to said city court, shall be tried upon the complaint of the solicitor, filed in the cause, which complaint shall be in the form and of such sufficiency as required by law and shall be subject to amendment. Misdemeanor cases.

SEC. 24. Be it further enacted, That misdemeanors in said court shall be tried by the judge thereof, without a jury, unless a trial by jury be demanded, and the failure to make such demand, shall be held a waiver of trial by jury.

SEC. 25. Be it further enacted. That when a person has been indicted in the said city court, the circuit court of said county shall not entertain jurisdiction of said offense. And when such indictment has been made in the circuit court, the city court shall not entertain jurisdiction of such offense; and it shall be the duty of the solicitor of said city court, in the prosecution of offenses, to notify the circuit solicitor of indictment and prosecution commenced in said court. City and circuit courts.

SEC. 26. Be it further enacted. That the commissioners court of said county shall be and is hereby authorized to levy a special tax of not exceeding one-tenth of one per cent. on the real and personal property, assessed within the limits of Anniston precinct No. 15, Oxford precinct No. 13, Maddox precinct No. 4, and Dearmansville precinct No. 17 as now organized, which said special tax shall be collected as other taxes of said county, and paid into the treasury of said county for the purpose of reimbursing said county for the expenses of said city court provided for in this act; Provided, that the expenses of said court shall not exceed the amount of one-tenth of one per cent. upon the assessed value of the real and personal property assessed within the precincts named above, but in the event that there shall be a credit to the city court fund such amount may also be used for the operation of said court; And provided further, that if the expense should exceed the amount raised by the above named tax of one-tenth of one per cent, as to such excess, it shall not be a charge upon the general fund of the county treasurer. Special tax.

SEC. 27. Be it further enacted, That before levying

the special tax provided for in section 26 of this act,. the commissioners court of said county shall make an estimate of the costs to the county of Calhoun of the circuit court for said county for each current year, and shall credit the precincts within the jurisdiction of the court provided for in this act, with their proportion of the cost of said circuit court, based upon the assessments upon the real and personal property made in said precincts, and said special tax shall be levied for the purpose of reimbursing the cost to said county for the expenses of said city court after allowing proper credit for the proportion of the expenses of the circuit court borne by the locality, within the precincts named above, and also after allowing proper credit for such other revenues as may be paid into the county treasury from said city court. In making an estimate of the proportion of the expense of the circuit court borne by the precincts above named, the court must consider the relative assessed value of property, real and personal, within and without said limits.

Duties of commissioners c'rt.

SEC. 28. Be it further enacted. That the jury commissioners of Calhoun county shall, at the earliest practicable moment after the passage of this act, prepare a list of all the citizens within the limits of the precincts included within the jurisdiction of said city court, qualified to serve as jurors, and place the same in a jury box prepared for the purpose, from which the juries of said city court must be drawn.

Duty of jury comm'rs.

Approved February 25, 1889.

No. 352.] AN ACT [H. B. 652

To empower the township superintendent of township two of range ten, in Escambia county, Alabama, to make ti tle to certain land.

SECTION 1. Be it enacted, by the General Assembly of Alabama, That the township superintendent of township two of range ten, in Escambia county, Alabama, be and he is hereby empowered to execute title to the following land: Lot number three, block number four, situated in the town of Brewton, Escambia county, Alabama, here-

Title to land.

tofore sold to A. O. Hundley for the sum of four hundred dollars.

SEC. 2. Be it further enacted, That the said township superintendent shall retain said purchase money in said township for the use of the public schools therein, and shall be used or invested as the parents and guardians of the white children of said township may direct at the October meetings held in said township by the parents and guardians for the purpose of deciding the number and location of the schools in said township. For benefit of school fund.

SEC. 3. That the township superintendent receiving said purchase money shall execute a good and sufficient bond, to be fixed and approved by the county superintendent, conditioned to faithfully discharge all the duties required of him under this act. Bond.

Approved February 23, 1889.

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No. 353.] AN ACT [H. B. 736

To authorize the county commissioners of Washington county and board of revenue and road commissioners of Mobile county to re-establish and fix the boundary line between said counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the board of county commissioners of Washington county, and the board of revenue and road commissioners of Mobile county, acting conjointly, be and they are hereby authorized and empowered to definitely establish or re-establish the boundary line between said counties. County line.

SEC. 2. Be it further enacted, That the board of county commissioners of Washington county, and the board of revenue and road commissioners of Mobile county, shall certify under seal of their respective counties to the governor of the State the line so established, together with the field notes thereof. Duties of commissioners.

SEC. 3. Be it further enacted, That the cost of establishing the lines between said counties shall be borne equally by said counties.

Approved February 23, 1889.

No. 354.] AN ACT [H. B. 810

To provide for the election of township trustees of public schools, by a vote of the people in the counties of Cullman, Blount and Covington.

SECTION 1. Be it enacted by the General Assembly of Alabama, That on the last Monday in October, 1889, or within seven days thereafter, on the day appointed by the trustees as provided in section 968 of the Code, and every two years thereafter, there shall be elected three trustees of public schools in each township by the qualified voters thereof, in the counties of Cullman, Blount and Covington, who shall hold their offices two years, and until their successors are elected and qualified. They shall have immediate supervision of public schools in their respective townships, and shall do and perform all the duties required by law to be done and performed by any officer in relation to public schools in their townships, and a majority of them shall be a quorum to transact any business. None but householders or freeholders residing in the township shall be eligible to said office, and the county superintendent shall fill all vacancies by appointment. The trustees of each township shall fix the place of holding said election in each township, appoint the inspectors and returning officers, give notice and make publication, and shall hold said election in accordance with the general laws of the State, and declare the result, and notify the county superintendent of such election. And the inspectors and returning officers shall receive no compensation for their services under this act.

Election of township trustees.

Duties.

SEC. 2. Be it further enacted, That such trustees shall not sell or lease school lands without giving bond as required by law.

Bond.

SEC. 3. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 23, 1889.

No. 355.] AN ACT [H. B. 856

To authorize and empower the commissioners court of Shelby county to appropriate three thousand dollars per year for the years 1889 and 1890, out of the general fund in the county treasury to aid the free public schools of said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Shelby county are hereby authorized and empowered to appropriate three thousand dollars per year for the years 1889 and 1890 out of the general funds in the county treasury of said county to aid the free public schools of said county. County appropriation for schools.

SEC. 2. Be it furher enacted, That at the April terms of 1889 and 1890 the commissioners court are hereby authorized and required to draw a warrant on the county treasury of said county in favor of the county superintendent of education of Shelby county for three thousand dollars for each of said years respectively.

SEC. 3. Be it further enacted, That the money so appropriated shall be distributed and disbursed as other school funds are now distributed, and the superintendent and treasurer shall be entitled to one-half the usual commission for disbursing the same.

SEC. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 23, 1889.

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No. 356.] AN ACT [s. 337

To authorize Madison county to purchase and to build macadamized roads, and to issue bonds of the county to aid in the purchase or construction thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Madison county, by and through its court of county commissioners, is hereby authorized to build and construct within the limits of said county, the following system of macadamized roads, to be Macadamized roads.

about one hundred and thirty miles in extent. The following of said system of roads to radiate from the city of Huntsville in said county as follows : One to run in a northerly direction to the Tennessee line, commencing at northern terminus of what is known as the Meridianville pike ; another to run in a north easterly direction through New Market in said county, toward the Tennessee line ; another to run in an easterly direction, through Maysville in said county towards the Jackson county line ; another to run in a southeasterly direction to New Hope in said county of Madison ; another to run in a southwesterly direction to Triana, in said county of Madison ; another to run in a westerly direction to the Limestone county line ; one to run in a northwesterly direction towards Cluttsville and Madison cross roads, in said county of Madison ; also another line to run in a northerly direction, from Triana through the town of Madison, to the Brown's ferry road, one mile north of said town of Madison ; and also another line to run in a southerly direction from Gurley's to New Hope, all of said roads to be constructed as far as practicable at the same time as those radiating from Huutsville. Not exceeding ten miles of either road shall be constructed until the same number of miles in extent is completed on each of the other roads.

Route and location of roads.

SEC. 2. Be it further enacted, That said macadamized roads shall be constructed upon the beds of the public roads of the county, the route and location of said public roads in the establishment of the line of said macadamized roads to be changed and altered so as to secure the most direct route of travel and suitable ground and bed, upon which to build said macadamized roads. Said court of county commissioners in making such change or alteration, to make such reasonable compensation to the owner of the lands on which such route is established as may be just and proper, and when said court is unable to agree with the owner of the lauds as to what compensation shall be made, the same proceedings shall be had for the ascertainment of the compensation and the acquisition of the land, as is now provided by law, when the line of a public road is altered or changed.

SEC. 3. Be it further enacted, That the fixing of the

width of said macadamized roads, and the depth and the character of stone or material used in their construction, shall rest in the discretion of said court of county commissioners, they, in its determination, having reference to the convenience and necessities of travel thereon ; Provided, the said roads shall be laid out at least twenty feet wide, twelve feet of which shall be bedded with stone or gravel, well compacted and of sufficient depth to secure a solid foundation. Duties of county comm'rs

SEC. 4. Be it further enacted, That said court of county commissioners shall have the right to take and use in the construction and building of said roads such quantities of stone, gravel and other material adjacent and contiguous thereto, as may be necessary therefor, paying such reasonable compensation for such material as may be right and proper, and when said court and the owner of such material are unable to agree upon the compensation, the same is to be fixed in the same manner as is now provided by law for the valuation of land condemned to public use, in the opening of new, and the changing or alteration of old roads. Material.

SEC. 5. Be it further enacted, That said court of county commissioners shall construct and build said macadamized roads by letting out the same by contract, in such manner and upon such terms as said court may in its discretion deem best and proper. Contracts.

SEC. 6. Be it further enacted, That Madison county, by and through said court of county commissioners, is hereby authorized to purchase from the Madison turnpike company or any other turnpike company in said county, and said turnpike companies are authorized to sell to said county, any portion or all of the macadamized roads now owned by said companies ; Provided, that not more shall be paid therefor than $1,670 per mile, and such roads shall be open to the public free of toll; but no part of the money accruing from the sale of the bonds provided for in section 7 of this act, shall be paid for said turnpike roads purchased from the Madison turnpike company, or other companies. May purchase roads.

SEC. 7. Be it further enacted, That the court of county commissioners of said county are hereby authorized and empowered to issue bonds of said county to the amount of one hundred thousand dollars to Bonds.

provide for the payment of the construction and building of said macadamized roads. Said bonds to be two hundred in number, and for five hundred dollars each, the interest to be not more than six per cent. per annum, to be paid semi-anuually and evidenced by coupons attached to the bonds. Said bonds and coupons to be made negotiable and payable at some designated banking house in the city of Huntsville, Alabama, or in the city of New York, State of New York. Said bonds shall be sold and negotiated to the highest bidder, the minimum price being their face value.

SEC. 8. Be it further enacted, That said bonds shall be numbered from one to two hundred consecutively. Those numbered from one to one hundred consecutively to be made payable at the expiration of thirty years from their date, or at the pleasure of the county at any time after twenty years from their date. Those numbered from one hundred and one to two hundred consecutively to be made payable at the expiration of forty years from their date, or at the pleasure of the county at any time after thirty years from their date; each bond to be signed and sealed by the judge of the probate court of said county of Madison and countersigned by the treasurer of said county of Madison, the coupons attached to each to bear the number of the bond to which they are attached, and to be made payable at the place designated for the payment of said bonds in the body thereof.

SEC. 9. Be it further enacted, That when the one hundred thousand dollars of bonds hereinbefore provided for, shall have been used in the construction of said road, if there shall remain unconstructed a portion of the system of macadamized roads contemplated to be built by this act, in such event said court of county commissioners are authorized, if in their discretion they deem it best to do so, to issua and sell an additional amount of bonds of said county, not exceeding fifty thousand dollars in amount, to aid in the completion of the construction of said roads ; said additional bonds to be each for the sum of five hundred dollars, and one half made payable in twenty and thirty years, and one half in thirty and forty years, as provided for said issue of one hundred thousand dollars ; said additional bonds to be in form and terms, tenor

and effect, the same as said first issue, bearing interest at the rate of not more than six per cent. and to be sold to the highest bidder at not less than par.

SEC. 10. Be it further enacted, That said bonds shall only be issued and sold from time to time as the demands for the payment for the construction and building of said macadamized roada may require.

SEC. 11. Be it further enacted, That said court of county commissioners for the first twenty years after the date of said bonds, shall annually, out of the revenue of said county, set apart a sufficient amount to pay the annual interest of said bonds as the same falls due and becomes payable, and they are further directed, at the expiration of twenty years from the date of said bonds annually thereafter to set apart and apply the moneys so collected to the extent of not less than a one-fifth part thereof to the payment, first, of the said interest, and the surplus of said one-fifth to the payment and retiring of said bonds, maturing in twenty and thirty years, until all of the said bonds maturing in twenty and thirty years are paid off and retired ; and the same disposition shall be made of not less than one-fifth of said revenue after the expiration of thirty years from the date of said bonds, in reference to those maturing thirty and forty years from date thereof.

Payment of interest and principal

SEC. 12. Be it further enacted, That the said court of county commissioners are authorized to apply any surplus that may accumulate in the treasury before said bonds mature, which is not needed for other county purposes, to the building of said macadamized roads, or to the purchase of said bonds or any part of them in open market and retire them.

SEC. 13. Be it further enacted, That the bonds issued under the provisions of this act shall be exempt from taxation by the county of Madison and the city of Huntsville.

Approved February 25, 1889.

No. 357.] AN ACT [s. 373

To change the name of the East Birmingham Land Company, a corporation organized under the general laws of the State of Alabama and having its principal place of business in the city of Birmingham, to the "East Birmingham Land and Railroad Company," and to further enlarge the powers, rights, franchises and privileges of said corporation.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the name of the East Birmingham Land Company, a corporation organized under the general statutes of this State, and having its principal place of business in the city of Birmingham, in said State, be and the same is hereby changed to the East Birmingham Land and Railroad Company, and that in addition to the rights, powers and privileges heretofore conferred upon or enjoyed by said company, it is hereby clothed with the power and authority to operate street railroads in the city of Birmingham, as the same are now laid out and constructed, and from said city to Gate City, in the county of Jefferson, in this State, as the same are now laid out and constructed, and to build, construct, purchase or otherwise acquire and operate street railroads along such other street or streets in said city, and to such other point or points in or outside of the county of Jefferson, from Gate City or from the city of Birmingham, as its stockholders may deem best for the interests of said company, and to change the present or future location of any of its street railroads, as the stockholders of said company may direct, and to construct side tracks, turnouts, spurs, and connection with railroads along the line of any of its street railroads, and in the operation of said street railroads to use dummy engines, electric motors, or horse or mule power, and over and upon said street railroads to carry for reward or compensation freight or passengers; Provided, that said company shall not have the right or power to build, construct, own or operate street railroads over and along the streets and avenues of the city of Birmingham, or to change the present location thereof from one street or avenue to another without the consent of the corporate authorities of said city.

Name.

Rights, powers, etc.

SEC. 2. Be it further enacted, That said corporation shall have the right to build, construct and operate its street railroads across public roads and railroads and street car tracks; Provided, that said corporation first purchase or obtain by gift the right of way over said railroad and street car tracks, or condemn the same under the general laws providing for such condemnation ; Provided, that said corporation, in building and constructing its street railroads over public roads, shall so build and construct the same as not to obstruct public travel thereon, and in building and constructing its street railroads over the right of way of other railroads and street car tracks, said corporation shall build and construct the same, with due regard to the rights and use of said railroad and tracks, by the owners thereof; and said corporation, by and with the consent of the county commissioners of said county, may build, construct and operate any of its street railroads over and along any of the public roads or thoroughfares in said county, beyond the limits of any city or town under such rules and regulations as the said court may prescribe. Right of way.

SEC. 3. Be it further enacted, That for the purpose of building, constructing and operating any street railroad under the authority conferred upon it, said corporation is hereby clothed with the right and privilege of condemning to its use such private property as may be necessary for the purpose aforesaid, upon complying with the provision of the constitution of this State in such cases made and provided, and for that purpose said corporation is hereby clothed with all the remedies provided by article two, of chapter fifteen, of title two, of part three of the Code of Alabama, or that may be hereafter provided by general statutes for like purposes, and it may acquire such property, also, by gift or purchase.

SEC. 4. Be it further enacted, That in addition to other rights and powers, said corporation is hereby clothed with all the rights, powers and authority conferred by the general statutes of this State upon street railroad companies, and said corporation may sell or otherwise dispose of any part of its street railroads to other person or persons, or corporation or corporations, and the party acquiring the same is hereby May sell or consolidate.

clothed with the same powers, rights and privileges in respect thereof as said corporation may then have, and said corporation may consolidate with any other land company or railroad company, upon such terms as may be agreed upon, and in the event of such consolidation, the consolidated company shall be clothed with all the privileges, rights, franchises and powers, as are now or may hereafter be conferred upon said corporation, and upon the company consolidating with it.

SEC. 5. Be it further enacted, That the capital stock of said corporation may be decreased to an amount not less than two hundred and fifty thousand dollars by the vote of the persons holding the larger amount in value of the stock, at any regular meeting of the stockholders, or at a meeting of the stockholders called for that purpose, but in either case thirty days notice of the meeting, and of the purpose for which it is called, must be given by publication once a week for four consecutive weeks, in some newspaper published in the said city of Birmingham ; such decrease to be made upon such terms as may be adopted by the stockholders at such meeting. If such decrease be authorized, a transcript of the proceedings authorizing the same must be made, signed by the president of the corporation, and filed and recorded in the office of the judge of probate in the said county of Jefferson.

Capital stock.

Approved February 25, 1889.

No. 358.] AN ACT [s. 171

To re-enact and continue in force, so far as the same applies to Tallapoosa, Pickens and Randolph counties, an act to provide for the assessment and collection of taxes in the counties of Lee, Chambers, Randolph, Tallapoosa and Pickens, approved December 6, 1886.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to provide for the assessment and collection of taxes in tlie counties of Lee, Chambers, Randolph, Tallapoosa and Pickens for the years 1887 and 1888 be, and the same is hereby amended,

Separate taxing districts.

re-enacted and continued in force and effect in so far as the same relates to the counties of Tallapoosa, Pickens, Randolph, for and during the years 18S9 and 1890, and said act, so re enacted and continued in force is in words and figures as follows, to-wit: Whereas, the tax-collectors elected in the several counties mentioned in the caption of this act, have refused or failed to qualify, by giving bond as required by law; therefore, Section 1. Be it enacted by the General Assembly of Alabama, that said several counties arc hereby created into separate taxing districts in which State taxes and taxes imposed by this act, to provide the means of local government therein, shall be assumed and collected as herein provided.

Governor to appoint commissioners of taxes.

SEC. 2. Be it further enacted, That it shall be the duty of the governor to appoint for each of said districts a commissioner of taxes who shall perform the duties herein provided, and such other duties as may be required of him by law, but shall not perform any other duties whatever relating to the assessment and collection of taxes of any kind.

Oath and bond

SEC. 3. Be it further enacted, That said commissioners before entering on the discharge of their duties, shall take and subscribe the official oath prescribed by the constitution, and shall enter into bond with good and sufficient sureties, payable to the State of Alabama, in such penalty as the governor may appoint, with condition for the faithful performance of his duties, which said bond shall be approved by the governor, recorded in the office of secretary of State and tiled in the office of the auditor, and shall be obligatory on the principal and sureties therein for the breach of the condition thereof during the time the principal continues in office or discharges any of the duties thereof, and the governor may from time to time, whenever he deems it expedient, require such commissioner to make and execute additional bond or bonds. Upon any of said bonds, the State or any person who may be injured by the failure of such commissioner to perform the duties required of him by law, or by improper or neglectful performance of such duty may maintain suits in law or in equity, and a single recovery shall not discharge said bond or bonds, but from time to time proceedings may be instituted therein until the penalty shall be satisfied.

SEC. 4. Be it further enacted, That it shall be the

duty of said commissioner in and for the district for which he may be appointed to assess the State taxes for the years 1887 and 1888 in the same manner and under the same regulations in and under which the county assessor of taxes is required by law to assess State taxes, and all laws applying to assessors shall be applied to said commissioners, and the commissioners shall severally have all the power and authority, general or special, which is conferred upon tlie assessors of taxes. When such assessment is completed, it shall be the duty of said commissioner to file the same in tlie office of the judge of probate of the county, and after giving thirty days notice the judge of probate and any two of the county commissioners, shall, in the presence of the commissioner, examine the said assessment and correct any errors that may be found therein, and upon the complaint of any tax-payer, shall enquire into and correct any injustice which may have been done him in such assessment. When such assessment shall have been so examined and corrected, the said commissioner shall note such corrections therein, and the same shall be certified to by him and by said judge of probate. Thereafter the said commissioner shall proceed to collect the said taxes so assessed in the mode and manner and under the same regulations and restrictions in and under which the tax-collectors are required to collect State taxes.

Duties of commissioners.

SEC. 5. Be it further enacted, That the said commissioners shall levy and collect a tax of one-half of one per centum on tlie value of all taxable property assessed for taxes to the State to pay the current expenses of the county for the year, and he shall give to each tax-payer a separate receipt for such county tax when the same is paid, and he shall make to the judge of probate of the county on the first day of each and every month, or within three days thereafter, a report in writing, showing the amount of such county taxes collected by him within and during the preceding month, stating therein the name of each tax-payer and the amount received from him, and the aggregate amount shall be passed into the county treasurer upon the certificate of such probate judge, and the said commissioner shall, on the first day of each month, or within three days thereafter, make a report to the auditor of the amount of State taxes collected by him, within and during the preceding month, stating

Rate of county tax.

Monthly reports.

Disposition of county and St. taxes.

therein the name of each tax-payer, and the amount of tax paid on real or personal property, and the aggregate amount of the tax so collected shall be passed into the State treasury upon the certificate of the auditor ; Provided, that for the county of Randolph, said commissioner shall levy and collect a tax of three-eighths of one per cent on the value of all taxable property assessed for taxes to the State to pay the current expenses of the county for the year.

SEC. 6. Be it further enacted, That said commissioner shall, on the first day of each month, or within three days thereafter, make a report in writing to the State auditor, showing in such report the State taxes which have been collected by him within and during the preceding month, the persons from whom collected, and stating separately the amount of taxes received on real and personal property, showing also the amount of county taxes collected and received by him, and the persons from whom collected and received, and shall pay into the State treasury the State taxes so collected, which shall be passed into the treasury upon the certificate of the auditor, stating the amount thereof, and it shall be the duty of the auditor to certify to the judge of probate of the county, a statement of the amount of county taxes so collected and received by said commissioner, and upon the certificate of such Judge the same shall he paid into the county treasury. The said commissioner must attend at some convenient place, in each election precinct in the county, after having thirty days notice of the time and place, for the purpose of receiving taxes. The said notice may be given by advertisement in some newspaper published in the county for three successive weeks, or by posting bills at three or more public places in each precinct, and until after such notice has been given and the said commissioner has attended at the time and place appointed, no tax-payer shall be regarded as delinquent.

Monthly reports and what they must show

Attend each precinct.

SEC. 7. Be it further enacted, That after the said commissioner shall have attended each election precinct as provided for in the preceding section, all tax-payers remaining in default in the payment of the taxes which the said commissioner is hereby authorized to receive and collect, shall be regarded as delinquent, and the said commissioner shall have full power and authority to proceed in the collection of said taxes as tax collectors are author-

Delinquents.

ized to proceed under the laws of this State, and may levy upon and sell personal or real property for the payment of such taxes and the costs and expenses of such sale, in the same mode in which tax collectors are authorized to proceed to levy and sell.

SEC. 8. Be it further enacted, That the power of the court of county commissioners to levy taxes for the cur-

Taxes levied rent expenses of either of said counties for the years 1887 and 1888, is hereby taken away and divested, and no power to levy snch taxes shall be exercised otherwise than is herein provided, and the taxes levied in accordance with the provisions of this act for the current expenses of the said counties, shall not be appropriated to any other purpose than to the payment of such expenses, except as to the county of Lee, the said assessment may be used to defray current expenses, pay debts before contracted for, ordinary county expenses, and compromise of outstanding bonded indebtedness if said bonded indebtedness can be compromised at less than nineteen cents on the dollar. That there shall be no assessment of taxes for State purposes in either of said counties for the years 1887 and 1888, by any other person than said commissioners, in accordance with the provisions of this act.

SEC. 9. Be it further enacted, That the compensa-

Pay of com- tion of each of said commissioners, except in the county

missioners. of Lee, shall be five per centum on the aggregate amount of taxes collected and received by him, which said compensation shall be paid, three-fourths by the State, on the warrant of the auditor on the State treasurer ; and one-fourth upon the warrant of the probate judge on the county treasurer. But in no event shall such compensation for the collection of taxes of any one year, State and county, or for the assessment, levy and collection of taxes, State and county for any one year, exceed in the counties of Tallapoosa and Pickens, one thousand and five hundred dollars, and in the county of Randolph, shall not exceed eight hundred dollars.

SEC. 10. Be it further enacted, That the governor

Removal ; va- shall have power, at pleasure, to remove either of said

cancy. commissioners, and by appointment fill the vacancy caused by such removal.

SEC. 11. Be it further enacted, That it shall be the

Poll tax. duty of the said commissioner to assess and collect the poll tax, and to pay over such tax, as tax assessors are

now required to assess the same, and as collectors are required to collect and pay over the same.

Acts not affected.

SEC. 12. Be it further enacted, That this act shall not void or defeat any acts enacted during this session of the General Assembly of Alabama, in relation to said counties hereinbefore mentioned.

Comm'rs for Lee county.

SEC. 13. Be it further enacted, That John M. Thomas shall be commissioner of Lee county to collect the taxes, and Edward W. Soloman shall be commissioner for Lee county to assess the taxes to be collected and to be assessed under the provisions of this act for State and county purposes in said county for the years 1887 and 1888. And each of said commissioners shall execute a bond payable to the State of Alabama, in such penalty as the governor may appoint, conditioned, approved, recorded and obligatory as prescribed in section 3 of this act. The said commissioners for Lee county shall each receive the same compensation and fees for their services that a tax collector is allowed under the general laws, to be paid respectively in the same manner as tax-collectors and assessors are paid. In event of a vacancy in said county, the governor shall fill the same by appointment.

Approved February 23, 1889.

No. 359.] AN ACT [s. 395

To enlarge the powers, rights and privileges of the Mary Pratt Furnace Company, an industrial mining and manufacturing corporation, organized and chartered in Jefferson county under the general laws of Alabama.

May purchase and hold stock in other companies.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in addition to the rights, powers and privileges granted and secured to the Mary Pratt Furnace Company, an industrial mining and manufacturing corporation, under the general laws of Alabama governing the organization of such corporations, the said Mary Pratt Furnace Company shall have the right and authority to subscribe aud pay for, buy and hold, shares in the capital stock of any company incorporated for mining iron ore, stone, coal, fire-clay, or sand

or coke-making within this State, from which said Mary Pratt Furnace Company may see fit to procure supplies of raw material for the use of said company; and also in the capital stock of any rolling-mill, foundry or other iron or steel manufacturing or working company to which the said Mary Pratt Furnace Company may see fit to bargain or sell its own products ; Provided, the consent of two-thirds in value of the stockholders of said Mary Pratt Furnace Company shall be first obtained thereto.

SEC. 2. B it further enacted, That all laws in conflict with the provisions hereof are hereby repealed.

Approved February 23, 1889.

No. 360.] AN ACT [s. 209

To amend the act "to incorporate the City of Tuscaloosa," approved March 12, 1873, by amending section 1 of said act so as to extend the boundary lines of said city.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to incorporate the City of Tuscaloosa, approved March 12, 1873, be amended by amending section 1 of said act so as to read as follows : Section 1. Be it enacted by the General Assembly of Alabama, That all that tract of land included within the following boundaries, viz : Beginning at a point one-fourth mile east of the west boundary line of section 26, township 21, range 10 west and five-eighths (5-8) of a mile south of the north boundary line of said section 26, running thence north and parallel with the west boundary lines of said section 26 and of section 23, to what is known as the old plank road, and thence east along the south margin of said plank road to the street which runs from the front of the new cemetery north between the University lands and the former home of Major Banks to the Huntsville road, thence north parallel with the west boundary lines of sections twenty-three (23) and fourteen (14) to the low-water line on the north bank of the Black Warrior river, thence west down the said

Boundary lines.

river on the low-water line of its north bank to a point three-eighths (3-8) of a mile due west of the east boundary line of section 21, township 20, of range 10 west, thence south and parallel with the east boundary line of said section 21 to the north boundary line of section twenty-eight (28), and thence along said line three-eighths (3-8) of a mile to the north-west corner of section twenty-seven (27), thence south along the west boundary line of section twenty-seven (27) to a point five-eighths (5-8) of a mile from the north boundary line of said section twenty-seven (27), and thence east parallel with the north boundary lines of section 27 and twenty-six (26), township 21, range 10 west to the place of beginning, shall be designated and known by the name of the City of Tuscaloosa.

SEC. 2. Be it further enacted, That all laws, general and special, in conflict with the provisions of this act, are hereby repealed; Provided, however, that nothing herein contained shall affect the rights, privileges and immunities heretofore granted by the laws of this State to the University of Alabama, and to the Alabama Insane Hospital ; And provided further, that no license shall hereafter be granted, either by the State or by the board of mayor and aldermen of the city of Tuscaloosa, to any person, persons or corporations, to sell any spirituous, vinous or malt liquors, or intoxicating bitters or beverages, of any sort whatever, or fruits preserved in alcohol, outside of the present city limits of the City of Tuscaloosa; Provided further, that all the taxes which may be assessed and collected on the property of persons residing in the district, brought into said corporate limits, shall, for the next two years, be appropriated to improving the streets and sidewalks and for the police protection of said extended district, and that no portion of said taxes shall be used to pay the old or existing debts of the present City of Tuscaloosa during said two years.

Liquor prohibition outside city limits.

Taxes, old debts, etc.

Approved February 20, 1889.

No. 361.] AN ACT [s. 7

To incorporate the Anniston Water Supply Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Duncan T. Parker, Thomas G. Bush and Stephen E. Noble, and other such persons as they may associate with them, their successors and assigns, be,
Corporate name. and they are hereby created and constituted a body politic and corporate, under the name and style of "The Anniston Water Supply Company," and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, and may have and use a common seal which they may alter or renew at pleasure, and may enact and execute such by-laws, rules and regulations for the government and management of the affairs of said company as they may deem expedient and may elect or appoint such officers or agents as may be necessary, and may in and by such by-laws provide for the time and place of the company meetings, which may be in the city of Anniston, or elsewhere, as the company may provide.

SEC. 2. Be it further enacted, That until a board of
Capital stock. directors be elected by the shareholders as herein directed, the corporators herein before named shall be the board of directors, and may open books in the city of Anniston, and elsewhere, as they may direct, for subscription of its capital stock, to be made upon such terms as to payment as said board, by resolution to, be placed at the head of the subscription list, may prescribe. When the sum of one hundred thousand dollars ($100, 000) has been subscribed, said provisional board of directors shall call a meeting of the subscribers, at such time and place as they may direct. At said meeting the subscribers shall elect a board of directors, to serve one year from that date, and till their successors are elected, and proceed to organize said corporation. Upon filing with the judge of probate of Calhoun county, a certificate of organization as herein directed, signed by a majority of the corporators in the first section of this act named, said corporation may enter upon and thereafter transact the business hereby authorized.

SEC. 3. Be it further enacted. That the object and business of said company shall be to procure, establish and construct and own water-works within or near the

corporate limits of said city of Anniston, and to send and distribute water throughout the said city and its suburbs, and the towns of Oxford and Oxanna, and the places adjacent thereto, and to that end said corporation may purchase and hold any real and personal property, rights and franchises within the county of Calhoun and counties adjacent, and any other property that may be necessary and expedient for the carrying on of said business; and also to that end, and for that purpose, the said company is hereby authorized and empowered by its officers and persons in its employment, to enter upon, survey and mark out, or lay off, any land between the place or places from which the waters for the purposes aforesaid are to be drawn, and the place or places for the distribution thereof, for the route or course thereof, and to dig, construct, lay or make any dam, reservoir, ditch, canal, pipes or tubes of any material or size, or acqueduct of any kind, that the said company may deem best for the conducting of such water to the city of Anniston or the suburbs or the vicinity thereof, and from time to time, and at any time afterwards, to enter upon and dig and work upon said lands along the aforesaid route or course, for the purpose of laying, relaying, examining, repairing, altering or amending such canal, channel, pipes, tubes or acqueduct by and with the consent of the owners of such lands. If said corporation cannot agree with the owners or the parties authorized to sell the property desired to be acquired, then said corporation may proceed to obtain, and may acquire the property or interest so desired, in the mode prescribed by law for the taking of private property for the use of other persons or for public use.

May purchase and hold property.

SEC. 4. Be it further enacted. That said company is hereby authorized to construct all needed canals and ditches, and by pipes and acqueducts, as may be found best suited for the purpose, to carry into said towns, or the vicinity thereof, by such line or route as may be found best, such water as may be needed from any point in said county. In the laying of its pipes and the construction of acqueducts when required, said corporation is hereby authorized to use, free of charge, any and all public roads of the county, and streets and alleys of said towns, free of charge, but when its pipes are laid in or under said roads and streets, or its other works completed, said corporation shall, without delay, restore said

Right to enter upon and use lands.

roads and streets to their original condition for use as public highways and thoroughfares, and for the purpose herein and hereby authorized, and to perform the public duty hereby declared, and by the acceptance of this charter imposed upon it, said corporation shall have the right to enter upon any land of private persons, and therein and beneath the surface thereof, to lay pipes for the conveyance of said water, and thereafter to repair and maintain the same, but said corporation shall not enter upon any private lot in said towns without the consent of the owner thereof, and before entering on any private property, must first pay to the owner thereof such reasonable compensation for its use of said land for the purpose herein declared, as may be agreed upon with said owner, or in case of disagreement, as may be ascertained upon proceedings for that purpose as directed by law, for the condemnation of private property, or the use thereof to public use.

SEC. 5. Be it further enacted. That for the purpose of carrying out the object of its incorporation, the said company is hereby authorized, in order to obtain a supply

Right to use of of water for its reservoir, pipes and canals, to t.ike, divert, water. use and condemn the waters of any stream, spring, creek or river in Calhoun county, and lands to construct dams and reservoirs in said county, and for this purpose said company may institute proceedings of ad quod damnum against the riparian owners of any such creek, stream, or water course, river or spring, or lands, in the probate court of Calhoun county] Alabama, as a proceeding in rem against the water of any such creek, stream, spring or water course and the riparian rights of the subjacent riparian owners by a petition addressed to said court under and as nearly in conformity as practicable with the provisions of article 2, chapter 15. of title 2, of part 3, of the Code of Alabama, and upon the tiling of such petition, the jurisdiction of said court shall attach to the rem, and the judge thereof shall cause monition or notice, signed by him as such judge, addressed "to all whom it may concern," to be given of the tiling of said petition and of the purport in general terms thereof, to be published in some paper printed in the city of Anniston, Alabama, for twenty days prior to the day to be appointed by him for the hearing thereof; and also cause a copy of said notice to be posted by the sheriff of said county

in some conspicuous place at or near the place or point on such stream or water course where it is proposed to deflect said water from its natural channel, and thereafter the proceedings in said cause upon said petition shall be had and conducted after the manner, as near as practicable, as is provided in said article 2, of chapter 15, title 2, of part 3, of the Code, except that no personal notice shall be necessary to be given to the individual riparian owners along said stream, and when said damages are so assessed and determined they shall be paid into the said probate court by said company for the use and benefit of all persons who may suffer damage by reason of the diversion of said water, and thereafter the rights of all the subjacent riparian owners shall be transfurred to and be invested in the said money so paid into court, and thereafter the said court shall give notice requiring all persons claiming any interest in said money so paid in to come into court and propound their claim thereto, and from any and all of these proceedings authorized by this section the right of appeal to the supreme court of Alabama direct is hereby given to any person whose rights of property are affected thereby. But nothing in this act contained shall be construed to prevent any person injured by such taking, diversion, use or condemnation of such spring, stream, creek or river from bringing suit under existing laws for the recovery of such damages as he may sustain thereby ; Provided, such person has not propounded his claim in probate court as provided in this act.

SEC. 6. Be it further enacted, That the capital stock of said company shall be divided into shares of one hundred dollars each, amounting to three hundred thousand dollars, to be increased by additional shares to five hundred thousand dollars, as the business of said company may require, and at the option of the majority in value of the stockholders; said stock may be paid either in money or property. Capital stock.

SEC 7. Be it further enacted, That the said company may by a majority vote of its stockholders, borrow money to carry into effect the object and provisions of this charter and to issue its bonds and to secure their payment by mortgage on its property and franchises. May borrow money

SEC. 8. Be it further enacted, That if any person or persons shall willfully injure or destroy any portion of

the water-works, reservoirs, fixtures, or other property of said company, or shall willfully deposit any offensive or unwholesome substance or matters in the reservoir, pipes, or streams supplying the same, or shall open a communication into any of the mains or pipes thereof, otherwise than by the authority of the said corporation, or its lawful or authorized agents, such person or persons shall be guilty of a misdemeanor and subject to prosecution in any court having jurisdiction of such offense in Calhoun county, Alabama, and on conviction shall be fined in a sum not exceeding five hundred dollars, and may be imprisoned or sentenced to hard labor for the county for not more than twelve months at the discretion of the jury trying the same.

Penalty for injury to property. Contracts.

SEC. 9. Be it further enacted, That said company shall have the right to make contracts with individuals and corporations for the water to be supplied by it, and to charge for and collect such water rates and compensation therefor as may be contracted to be paid to them.

SEC. 10. Be if further enacted, That the said water supply company be and is hereby authorized to acquire by contract with any person or persons, corporation, company, or association, any and all kinds of property that may be needful for its purposes and pay therefor such amount of money as may be agreed upon, or such amount as may agreed upon in stock of the said supply company; Provided, however, that before said company shall be authorized to lay its pipes or mains through or under the streets or alleys of any incorporated town or city, it shall first obtain the consent of the corporate authorities of such town or city, and nothing in this act conporate authorities to regulate and control the same; Provided, further, that before said company shall exercise the corporate powers hereby granted, at least one hundred and fifty thousand dollars (150,000) shall have been subscribed to the capital stock by bona fide, subscribers, of whose solvency the corporators are satisfied, and at least twenty per cent thereof paid to the person authorized to receive the same.

Approved February 21, 1889.

No. 362.] AN ACT [s. 159

For the relief of H. R. Robbins, late sheriff of Coosa county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the auditor be authorized and required to draw his warrant on the treasurer of the State in favor of H. B. Bobbins, for the sum of twenty-three and 40-100 dollars, to be paid out of any money in the treasury not otherwise appropriated, for feeding prisoners in the year 1884. Relief.

Approved February 25, 1889.

No, 363] AN ACT [s. 285

To provide for the payment for official services of the sheriff of Barbour county, for services rendered not otherwise provided for.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the sheriff of Barbour county shall receive for official services, not otherwise provided for, four hundred dollars per annum, payable out of the county treasury of said county, payable quarterly, and that it shall be the duty of the county commissioners of said county, quarterly, to pass an order on the county treasurer of said county for one hundred dollars in favor of the sheriff of said county for extra official services. Payment of sheriff.

Approved February 25, 1889.

No. 364] AN ACT [H. B. 932

To incorporate Pleasant Hill Academy, Dallas county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That J. W. Bailey, J. H. Cowan, J. B. Rudolph, Thos. J. Middleton, and Alonzo Vaughan, and Corporators.

their successors in office shall, and are hereby declared and created a body corporate under the constitution and laws of Alabama, by the name and style of the Board of Trustees of Pleasant Hill Academy, in the
Name. town of Pleasant Hill, county of Dallas, State of Alabama, and by that name shall be able and capable in law and equity to sue and be sued, to plead and be im-
Rights, pow- pleaded, and shall have power to borrow money, re-
ers, etc. ceive donations and bequests, purchase and sell, and have and hold real estate and other property in perpetuity and free from taxation; Provided, that the real estate or other property so held shall not at any time exceed the value of ten thousand dollars.

SEC. 2. Be it further enacted, That said body corporate, or a majority of the members composing the same, shall have power to pass all such rules, regulations and by-laws, not repugnant to the constitution and laws of the State of Alabama, as they shall deem most advisable for the good government and proper
Officers. regulation of said academy, and shall have power to elect annually, by a majority of its members, a president, secretary and treasurer, and any other necessary officer or officers from the members of said board of trustees, and to fill all vacancies in said offices; to fix the amount and approve the bond of said treasurer, and to change the number of such trustees at pleasure, and to adopt and use a common seal, and to alter the same at pleasure, and to act without seal, under the laws of said State.

SEC. 3. Be it further enacted. That said body corporate or a majority of the members composing the same,
Teachers. shall have power to elect annually, or otherwise, the teacher or teachers of said academy ; to regulate the annual or other salary of such teacher or teachers, and in consultation with said teacher or teachers, to regulate the rate of tuition.

SEC. 4. Be it further enacted, That said body corporate, or a majority of its members, shall have power and authority to rent or lease said academy; Provided, that said property shall be used by said renter or said lessee fur school purposes; and that the period of said rental or lease shall not exceed twenty-five years.

SEC. 5. Be it further enacted, That said body corporate, or a majority of its members, shall be authorized

and empowered to grant diplomas, certificates or other evidences of scholarship; and said body corporate, or a majority of its members, shall have power and authority to grant such power and authority to the president or faculty of said academy to grant diplomas, certificates or other evidences of scholarship. Diplomas.

SEC. 6. Be it further enacted. That said academy shall be entitled to receive any pro rata part of the common or public school fund, in the township in which it may be located, for services rendered, as any other teacher in said township, under the rules and regulations now in existence, or which may hereafter exist, under the school laws of this State. School fund.

SEC. 7. Be it further enacted. That when a vacancy occurs in said board of trustees, from death or otherwise, the same may be filled by a majority of the remaining trustees. Vacancy.

Approved February 25,1889.

No. 365.] AN ACT [H. B. 98

To provide for a vote of the people on the subject of a permanent location of the county site of Blount county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the sheriff of Blount county to open and hold an election at the various precincts in said county, on the first Monday in August, 1889, to ascertain whether a majority of the legal voters in said county are in favor of the removal of the seat of justice from Blountsville, its present location. The said sheriff shall give at least thirty days notice in writing, or printing, and posting up at the court-house door, and at the place of voting in each of the election precincts, and shall provide for the holding of said election, making returns and ascertaining the results in the same manner and under the same restrictions as are now provided by law for the election of members of the general assembly, and under all the pains and penalties for failure to perform the duty as required by the general election law of the State. Elections for county site.

SEC. 2. Be it further enacted. That each voter shall have endorsed in writing, or printed on his ticket, "removal, or no removal," and if it appear on the ascertainment of the result, that a majority of the voters of said election have voted " No removal," the effect of the said vote shall be the location of the said county site at Blountsville, but if a majority of the votes are cast in favor of the removal, then it shall be the duty of the sheriff, in like manner as before, to provide for a second election, to be held on the first Monday in September, 1889, at which the following places shall be voted for : Nectar, Anderson, W. T. Wood's Store, Brooksville, Blountsville, Oneonto, Blount Springs, Bangor, and Chepultepec, or either of said places, and if it appear on the ascertainment of the result, that one of the above mentioned places have received a majority of the votes cast at said second election, said second election shall determine the question of the permanent location of the county site, as the place having received the majority vote; but if upon ascertaining the result, neither of the above mentioned places voted for at said second election shall have received a majority of the votes cast, then it shall be the duty of the said sheriff of said county to provide in all particulars as in the former election, for a third election, on the first Monday in October, 1889, at which each voter shall have endorsed in writing, or printed on his ticket, one of the places voted for at the second above mentioned election which received the highest, and the next or second highest number of votes cast at said second election, and the majority of the votes cast at said second election, and the majority of the votes cast in the said third election in favor of one of the two places which had the highest and the next highest vote, at the said second election, shall determine the question of the permanent location of the county site, at the place having received the highest vote.

SEC. 3. Be it further enacted. That if the seat of justice of said county shall be removed from Blountsville, and located at any other place, by the election provided for in this act, the following named persons, viz: George D. Shelton, Henry Taylor, W. B. Allgood, Elijah Cowden and Elias E. Bynum, are hereby au-

thorized and empowered to select the most suitable place, in their opinion, for the erection of the public buildings within two miles of the place named and selected by the votes cast at said election.

SEC. 4. Be it further enacted. That the managers and clerks of the elections provided for in this act, shall receive no compensation for their services in holding said election.

Approved February 25, 1889.

No. 366.] AN ACT [H. B. 506

To amend an act entitled an act to incorporate the town of Anniston, Calhoun County, Alabama, approved. February 4th, 1879, and the various acts amendatory thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants residing within an area of land extending in every direction, one and one-half (1 ½) miles from the southwest corner of the northwest quarter (N. W. 5) of section five (5), township sixteen (16), range eight (8), be and the same are hereby incorporated and made a body politic and corporate under the name and style of the mayor and city council of Anniston, which shall be managed and governed by a mayor and city council, as hereinafter provided. Said corporation shall have perpetual succession, shall sue and be sued, plea and be impleaded in all courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal within said city, and may sell, lease or dispose of the same for the benefit of the city, and may purchase and hold real and personal property, beyond the limits of the city for any purpose that the mayor and city council may deem necessary and proper, and may sell, lease or dispose of such property for the benefit of the city to the same extent as natural persons. It shall have and use a common seal, and change it at pleasure ; and shall have police jurisdiction extending one mile beyond the corporate limits, provided that it does not extend within the corporate limits of any other town.

Limits

Name.

Rights, powers, etc

SEC. 2. Be it further enacted. That the city of Anniston be, and it is hereby divided into four wards, as follows : The first ward shall embrace, and include all that portion of the city of Anniston lying north of Eleventh street and east of the East Tennessee, Virginia and Georgia railroad. The second ward shall embrace and include all that portion of the city of Anniston lying north of Eleventh street and west of the East Tennessee, Virginia and Georgia railroad. The third ward shall embrace and include all that portion of the city of Anniston lying south of Eleventh street and west of the East Tennessee, Virginia and Georgia railroad. The fourth ward shall embrace and include all that portion of the city of Anniston lying south of Eleventh street and east of the East Tennessee, Virginia and Georgia railroad.

Wards.

SEC. 3. Be It further enacted. That the mayor and councilmen shall be elected for a term of two years, the next election to be held the first Monday in April, 1891. The mayor shall be chosen by the qualified electors of all the wards in the city of Anniston, voting in the wards of the respective residences. It shall be the duty of the mayor to preside at the meetings of the city council, and to carefully examine all ordinances passed, and should any one of them not meet his approbation, return the same to the next regular meeting of the city council with his objections, in writing, and no ordinance so vetoed by the mayor shall go into effect unless the same be passed by a majority vote of the whole number of the members of the city council. No bill shall become an ordinance without first having been passed on three several readings by a majority vote, which may be done at the same meeting, on the third of which readings a majority of the whole number of members of the board shall be required, and until said bill shall have been signed by the mayor, or without his signature, as provided in the act. The mayor shall be required to veto only such parts of the bill as he may deem objectionable, and may approve the residue of the same bill. If the mayor fail to return any ordinance to the next regular meeting of the city council, he shall be deemed to have approved the same, and it shall become a law without further action. The mayor should have the power to make pro tempore

Election.

Mayor; duties of.

appointments to fill vacancies occasioned by sickness, absence or other disability of any city officer, and to suspend any city officer, except councilmen, for misconduct in office or neglect of duty, reporting his actions, with- his reasons therefor, in writing, to the next regular meeting of the city council, by whom final action shall be taken. He may, whenever, in his judgment, the good of the city requires it, call special meetings of the city council, and when so called, he shall state the object for which it shall have been convened, and the business of such meeting shall be restricted to the object so stated. He shall, at least once in every three months, cause to be presented to the city council a full and complete statement of the financial condition of the city. The mayor shall, from time to time, communicate to the city council such information, and recommend such measures as may in his judgment tend to the improvement of the finances and the general interest of the city. He shall take care that all the ordinances are duly respected and observed within the city, and perform such other duties as may by ordinance be required of him. The compensation of the mayor shall not be less than three hundred dollars ($300.00) per annum, and may be changed by ordinance, but not during his term of office. In case of the absence, the councilman elected mayor pro tern shall discharge his duties, and is hereby clothed with authority for that purpose, and in case the mayor's office is vacated by death, resignation, removal or any other cause, the mayor, or mayor pro tem, shall discharge the duties of said office until a successor for his unexpired term be elected by the people, which election shall be held within thirty days after a vacancy occurs, and in case of the absence or inability of both the mayor and the mayor pro tem, the city council may be called in special session by any member, and one of their number be designated to act as mayor pro tem.

SEC. 4. Be it further enacted. That the city council shall be composed of eight councilmen, two from each ward, who shall reside in the same at the time of their election, and during their term of office. The councilmen from each ward shall be elected by the qualified electors thereof, voting in their respective wards.

Mayor and councilmen; qualifications, etc.

The two persons in each ward, to be elected as aforesaid, receiving the greatest number of votes for councilmen shall be such councilmen for such ward, but if two or more persons have an equal number of votes, the council shall determine who shall be councilman. No person shall be eligible to the office of mayor or councilman who has not the qualifications mentioned in article eight of the constitution of this State, and who has not been a resident of the city of Anniston for at least two years preceding his election, and the councilmen shall have resided in the ward from which they are elected, at least three months plior to such election. If the mayor should cease to be a resident of Anniston, his office shall thereby become vacant, and the vacancy shall be filled for the unexpired term by the council as above provided. Should any councilman cease to be a resident of the ward from which he was elected, his office shall thereby become vacant, and the vacancy shall be filled for the unexpired term by the council as provided. When two or more persons receive an equal number of votes for the office of mayor, the election shall be referred back to the voters of the city, and held as before, within the next succeeding thirty days. The mayor or other officer may be impeached by the city council for misfeasance, malfeasance or non-feasance in office, and two-thirds of the city council concurring, may be removed. Vacancies occurring in the city council shall be filled by a majority vote of the remaining members thereof.

Oath of office.

SEC. 5. Be it further enacted, That the mayor and each councilman shall, before entering upon the duties of his office, take an oath that he will faithfully and impartially discharge the duties of his office. The councilmen shall elect one of their own number to be their presiding officer, to act in the Mayor's absence, who shall be clothed with the authority of Mayor pro tem. The city council shall judge of the qualifications, elections and returns of its own members, and shall prescribe rules for the determination of contested elections. It may determine its own rules of proceedings and prescribe the punishment of its members for non-attendance or disorderly conduct and enforce the same ; two-thirds of its members concurring may expel a member for improper conduct while in office. It shall re-

City council.

quire a majority of the members of the board to form a quorum for the transaction of business, but a smaller number may adjourn from day to-day, and under a provision of ordinance may compel the attendance of absent members by fines and penalties. To enable the city council to fully investigate charges against its members or other officers, or such other matters as they may deem proper, the mayor, at the request of the board, is hereby empowered to issue subpoenas and compulsory process, to compel the attendance of persons, and the production of books or papers before the city council, or any committee of the council. The city council shall hold meetings at such times as it may determine, not exceeding two regular stated meetings per month. Councilmen shall receive no compensation.

It shall be the duty of the city council before the second Monday of June of each year, to agree upon a budget for the expenses of the next ensuing year, which shall designate the officers of the corporation for the year, with the salary of each, and under general heads, such as streets, fire departments, lights, schools, water, police, etc., the subject of corporation expenditures, and the estimated amount run out in figures of the probable expenditure for each purpose, including the amount expected from the State school funds for schools. The budget shall be published in one of the newspapers of the city. If any mayor, councilman or officer of the corporation, or any other person interested with the disbursement of the corporation funds, shall knowingly violate any of the provisions of this paragraph or aid in such violation, or who shall create or aid in creating any liability of the corporation, beyond the expenses as fixed by the budget in the modes especially designated, he shall be civilly liable to the corporation for the excess, and for any loss to the corporation, and on conviction, shall be ined not less than twenty-five dollars ($25.00), and may be imprisoned in the county jail not less than a week.

Estimate of annual expenses.

SEC. 6. Be it further enacted, That before the first election held under this act, and every two years thereafter, the mayor and city council shall appoint three inspectors of such election for each ward, who shall

Elections.

be residents of the ward for which they are appointed, and the mayor and council must provide for the open-
Inspectors. ing of one polling place in each ward, and it shall be the duty of the mayor to give ten days notice by publication in a newspaper, or by posting notices of the time and place of holding, and the names of the inspectors for each ward. Said elections shall be conducted according to the laws of the State, except as herein changed, but no person shall be entitled to vote at said elections, unless he possesses the qualifications mentioned in section eight of the constitution of the State, and shall have resided in said city three months, and in the ward in which he desires to vote, thirty days before the time of the election, and shall cause himself to be registered in the manner hereinafter provided, and shall have produced and surrendered to the inspectors of election at the polling place in the ward of his residence, the certificate of such registration hereinafter provided. At least thirty days next preceeding each election, the mayor shall appoint a qual-
Registrars and ified elector for each ward, who shall commence the
registration. registration of the qualified electors of his ward on the second Monday in March, 1891, and every two years thereafter, and shall continue the same for six days, from nine a. m. to nine p. m. of each day, after giving five days notice of his appointment, by posting printed notices in five or more public places in the ward for which he is registrar, and of the time and place at which he will make registration of voters. Registrars are hereby empowered to administer oaths to all persons who offer to register, and to witness whom he may examine. Said registrars must be satisfied by personal knowledge or sufficient evidence that each applicant for registration is a qualified elector as prescribed above, and the name of each, either to be subscribed to such oath by the elector himself, or if he cannot write, then the registrar must at such elector's direction, write his name and cause him to make his mark thereto, which shall be attested by said registrar under the appropriate head and in the prescribed form hereinafter set out.

The mayor shall provide blanks printed and ruled on good paper, suitable for binding in book form for the registration of electors ; which he shall furnish reg-

trars. The blanks shall be headed with the following oath and form, to wit:..... ward, Anniston, Alabama. We, the undersigned registered electors, each for himself, do solemnly swear, (or affirm) that I will support and maintain the constitution and the laws of the United States, and of the State of Alabama; that I am not excluded from registering or voting by any of the clauses of any section of article eight of the constitution of Alabama, and that I shall have been a resident of the city of Anniston, Alabama, for three months, and of the..... .ward for thirty days immediately preceeding the next election in said city, and that at said election I will be a qualified elector under the laws of the city of Anniston, Alabama.

....

....

I..... registrar for said..... ward of Anniston, do hereby certify that the foregoing names of registered voters, from No. 1 to No ..., inclusive, were duly registered by me according to the law, between the dates of..... and..... in said..... ward of Anniston, and that each of said persons so registered took and subscribed before me the above and foregoing oath, on the day set opposite their names, respectively. Witness my hand this..... day of.....18....

....

Registrar. .

The names of the persons registered in each ward shall be numbered in the order of their registration. Said registrars must furnish each person, at the time of his registration, a certificate of registration as follows, to-wit:

No. . ..... Ward, Anniston, Alabama.

I..... .... registrar, do hereby certify that..... .age ..... color..... residing at No .... on ..... street, registration No.... this day registered before me as an elector in the..... .ward of Anniston, Alabama, for the election to be held on the..... day of..... 18....

.....

Registrar.

The right of any person to be registered as a voter may be challenged in the manner hereinafter provided, for the challenging of any person who may claim the right to vote at any municipal election of said city.

Each of said. registrars shall make two correct copies of said original registration list, one in the order of registration and as numbered, and the other the narres of the persons registered shall be arranged alphabetically, and he shall certify said original and copies over his signature, within three days after the closing of the registration, to the mayor of the city. For his services in registering electors, and for preparing the said registration lists, each registrar shall receive five cents for each person that he has registered. It shall be the duty of registrars to certify the amount of their compensation, which shall be a preferred claim, and paid out of any money in the city treasury not otherwise appropriated.

Before entering upon the discharge of his duties, each registrar shall make and subscribe an affidavit before the mayor that he will faithfully and truly perform the duties by this act imposed upon him, and that he will register all persons who may apply therefor, and show that they are legally entitled to vote at the next coming election, as by this act provided, and no other person, which affidavit shall be filed with the clerk of the council.

Printed copies of electors.

The mayor shall cause at least fifty carefully prepared copies of the said alphabetically arranged list of electors of each ward of the city, to be printed, and shall furnish to each of said inspectors of election of each ward, the original registration list and copy thereof of their respective wards, as certified to him by the registrar, to be used at such election. One of these printed copies shall be designated and used by the said inspectors as the official copy, and shall be by them returned, together with the manuscript copy of original registration lists furnished them by the mayor with the ballots cast at such election, as part of their official returns, as hereafter directed. The mayor shall post, at least seven days before the election at the postoffice, and four other public places, one to be in each ward, a complete copy of said printed registration lists. The original lists and the alphabetical manuscript copies shall be by the mayor deposited with the clerk of the council to be preserved among the records.

The inspectors of election shall not receive at said

election the vote or ballot of any person whose name does not appear on the registration list, as furnished by the mayor, of the ward in which he seeks to vote, and who does not, at the time of voting, present and surrender to the inspectors of election his certificate of registration, to be by said inspectors then and there canceled, and who does not, on demand, make satisfactory proof of his identity with the person whose name may be on the registration lists. The printed lists furnished by the mayor shall be taken to be correct, subject, if error is alleged, to be corrected by comparison with the original registration list, which, for that purpose, shall be in the custody of the inspectors at the time and place of such election. Upon the receipt of any vote by the inspectors, they shall forthwith draw a line with ink on the said official registration list over the name voted. The said inspectors, immediately after the polls are closed, shall proceed to count the ballots and compare them with the poll lists, and if two or more ballots are found rolled up or folded together, so as to induce the belief that the same was done with a fraudulent intent, they must be rejected, or if any ballot contains the names of more persons than the voter had the right to vote for, the first of such names on such ticket to the number of persons the voter was entitled to vote for only must be counted. As soon as they shall have furnished the count and ascertained the number of votes received for each person, and for what office, they must certify the result of the election to the mayor and councilmen of said city. They must also enclose the ballots cast, with the poll list and the official copy of said registration list, and the manuscript registration lists, and the certificates of registration surrendered at the election, together with their tally sheets and certificates of the result, in the box in which was placed the ballots received at such election, and carefully sealing said box, deliver the same with its contents to the mayor, who shall give his receipt for the same, stating the condition of the box when received. The mayor and city council shall, within three days after said election, hold a meeting and open the boxes received from the inspectors, and from said certified returns, declare the election of the person who shall have received the

Duties of inspectors.

Duties of mayor and council.

highest number -of legal votes to their respective offices, and the mayor shall give certificates of election to their respective offices, to the persons so found to be elected. Said mayor and council shall hold and safely keep for thirty days said poll list, ballots, tally sheets, registration certificates and certified returns and lists of registration. The judge of probate of Calhoun county shall

Contests. have jurisdiction as provided in article 3, chapter 4, title 6, part 1, of the Code for all contests of any election for any of the municipal officers of the said city, except councilmen, and all laws of the State of Alabama, governing or applicable to contesting elections for the office of sheriff, shall apply and govern in contesting any election for any of the said municipal officers, except councilmen of the city of Anniston, Alabama. If there be no contest, said mayor and councilmen shall destroy all of said papers except said original registration lists, and the certified manuscript copies, which shall be preserved, as hereinbefore provided.

Any person offering to vote at any muncipal election in the city of Anniston may be challenged by either of

Challenges. the inspectors, or by any qualified elector, and it is the duty of each inspector to challenge any person offering to vote, whom he does not know, or suspect not to be qualified under this act, as an elector. When any person is challenged, if his ballot is not withdrawn, one of the inspectors must tender him .the following oath, to-wit:

"You do solemnly swear that you will answer all such questions as may be put to you, touching your qualification as an elector." The inspectors, or one of them, must then examine him as to his qualifications under this act. They may also receive proof of his qualifications other than the oath of the challenged party, and are hereby empowered to administer oaths to all persons who offer to vote, and to witness, whom they may examine, and must admit or reject the ballot of the challenged party as his right may be shown, and if any person refuses to take the above oath, or to answer any of the questions except such as may tend to criminate himself, his vote must be rejected.

If any voter shall lose his registration certificate,

upon affidavit of the loss thereof, it shall be the duty of the registrar to issue to such person another registration certificate, with the word "duplicate" written across the same. Loss of certificate.

If the registrar shall fail to comply with this provision, he shall be deemed guilty of a misdemeanor, and shall be fined not less than twenty nor more than three hundred dollars for each offense.

Any person who falsely personates another, and thereby casts a vote to which he is not entitled, or thereby obtains registration as a voter or attempts by such false personation of another to obtain such registration, or after once having voted at such election votes a second time, or shall attempt such registration, whether in the same or another name, or shall aid or assist another person not entitled, knowing him not to be so entitled to register or vote shall be guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary for not less than six months or more than two years. Registering or voting illegally a felony

SEC. 7. Be it further enacted. That the mayor and city council of the city of Anniston shall, within the limitations of this act have power, by ordinance—1. To levy and collect taxes upon all property taxable by law for State purposes. Powers.

2. To levy and collect taxes upon all privileges, trades or occupations of not less than five nor more than one hundred dollars.

3. To appropriate money and provide for the payment of the debts and expenses of the city, and also the debts of the municipal corporation, of which it is the successors.

4. To make regulations to prevent the introduction of any contagions diseases in the city, to make quarantine laws for the purpose and enforce the same within five miles of the city, and punish the breach of the same.

5. To establish hospitals and make regulations for the government thereof.

6. To establish a system of free schools, and regulate the same.

7. To make regulations to secure the general health of the inhabitants, and to prevent and remove nuisances.

8. To provide the city with water, by water works within or beyond the city or by contract, and to provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

9. To make appropriations to open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys, sidewalks, or to have the same done, and to plant shade trees and to erect, establish and keep in repair bridges, culverts, sewers and gutters, and to make appropriations for lighting the streets, and for the erection of all buildings necessary for the use of the city.

10. To license, tax and regulate auctioneers, grocers, merchants, retailers, taverns, brokers, coffee houses, confectioners, hawkers, peddlers, butchers, lawyers, doctors, livery stable keepers, and all other privileges.

11. To license, tax and regulate hackney, carriages, carts, omnibuses, wagons, drays and all other vehicles, and to fix the rate to be charged for the carriage of persons and property within the corporate limits of the city, and to the public work and property without the city.

12. To license, tax, regulate or prohibit or suppress theatrical and other exhibitions, shows and amusements.

13. To regulate or prohibit or suppress all gambling houses, disorderly and bawdy houses, and obscene pictures and literature.

14. To regulate, restrain or prevent the carrying on of manufactories, dangerous in causing or producing fires, and to prevent or suppress the sale of fire arms and carrying of concealed weapons.

15. To regulate the storage of gun-powder, tar, pitch, rosin, saltpeter and all other combustible, explosive or inflammable material, and the use of lights, candles, lamps, and steam pipes in stables, shops and other places, and to regulate or suppress the use and sale of fire-crackers and toy pistols.

16. To establish standard weights and measures to be used in the city, and to appoint a sealer of standard weights and measures, who shall have exclusive jurisdiction within the city.

17. To provide for the inspection and measuring of lumber, and other building material.

18. To provide for the inspection and weighing or measuring stone, coal, wood, and all fuel, hay, corn and other grain.

19. To provide for and regulate the inspection of beef, pork, flour, meal and other spirits in barrels, hogsheads, and other vessels or packages.

20. To regulate the inspection of milk, butter, lard and other provisions; to regulate the vending of meat, poultry, fish and vegetables ; to restrain and punish the fore-stalling and regrating of provisions; to establish and regulate markets.

21. To impose fine, forfeitures and penalties for the breach of any ordinance, and to provide for their recovery and appropriation.

22. To provide for the arrest, imprisonment and punishment of all riotous and disorderly persons within the city, by day or by night, and for punishment of all breaches of the peace, noise, disturbance or disorderly assemblies, and to provide for the punishment by fine or imprisonment the commission of any offense punishable by the laws of the State of Alabama.

23. To pass all ordinances necessary for the health, convenience and safety of the citizens, and to carry out the full extent and meaning of this act, and to accomplish the object of this incorporation.

24. To impose penalties upon the owner or owners, occupants or agents of any house, wall or side walls or other structure that may be considered dangerous or detrimental to the citizens, unless after due notice to be fixed by ordinance, the same be, removed or repaired.

25. To regulate, tax, license or suppress the keeping and going at large of all animals within the city, to impound the same, and in default of redemption, in pursuance of ordinance, to sell or kill the same.

26. To erect and organize a work house in or near said city, and any person who shall neglect or fail to pay any fine imposed upon him by any ordinance of said city, shall be committed to such work house, until such fine and costs shall have been fully paid, or if male, to work out the fine on the streets.

17. To provide for improving, enclosing and regulating all public grounds belonging to the city, in or out of the corporate limits.

28. To impose penalties upon persons convicted of cruelty to animals.

29. To appoint, regulate and govern a police force, to impose fines, forfeitures, penalties and terms of imprisonment in the city work-house, the county jail, or work on the public streets, of males, for the breach of any city ordinance, but no penalty shall exceed one hundred dol-

lars,and no term of imprisonment shall be for a longer term than six months for the same offense.

30. To regulate and provide for the construction or repair of sidewalk and foot pavements, and if the owner or owners of the adjacent lots shall fail to comply with the provisions of such ordinance within such time as may be prescribed, the city council may contract for the construction or repair of such sidewalks or pavements, and the city shall pay the same, and the amount so paid shall be a lien upon said lot and may be enforced by attachment in law or equity, or the amount may be recovered against said owner by suit before any court of competent jurisdiction; to compel owners of buildings to erect fire escapes when necessary for the safety of occupants.

31. To grant the right of way through the streets, avenues and squares of said city for the purpose of street or other railways, telephone, telegraph and electric light companies, and for laying pipes of gas and water companies.

32. To take and appropriate grounds for widening or extending streets or parts thereof, or for laying out new streets, avenues, squares, parks or promenades, when the public convenience requires it, upon just compensation, to be determined according to the laws of the State regulating proceedings of ad quod dammun and condemnation by railroad corporations.

33. To establish, regulate or change fire limits within said city and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove wooden buildings or other structures, paying the owner therefor a reasonable price, which shall be determined by arbitration, the arbitrators to be selected as follows : one by the owner of the property and one by the mayor of the city. In case of a failure to agree, the arbitrators so selected shall choose a third arbitrator, and the amount agreed upon by a majority of the arbitrators shall be final; and to punish by fine or imprisonment the erection of any buildings in said fire limits, other than those prescribed by ordinance.

34. To regulate the speed of trains, cars or locomotives on railroads or tramways in streets, and to punish violations of such regulations.

35. To establish and build drains, sewers, acque-

ducts and reservoirs and to regulate the same, and to take and appropriate any laud or rights of way necessary for such drains, sewers, acqueducts or reservoirs, upon just compensation, to be determined according to the laws of the State regulating proceedings of ad quod damnum; and to pass all ordinances necessary to compel owners of lots or real property to ditch and drain the same, at the expense of the owner, and to punish any refusal or neglect of such owner or agent of such property by fine or imprisonment, one or both.

36. To prevent and remove all nuisances at the expense of the person causing the same, or upon whose premises the same may be found; to regulate or prohibit privies, and privy and water closet sinks and wells.

37. To make all ordinances necessary concerting idlers, paupers, vagrants and disorderly or vicious persons, and correcting or restraining their vicious habits.

38. To punish all persons who, in any manner, obstruct policemen in the arrest of any person in police limits, and for the punishment of any person, who, when called upon to aid in the arrest of any person shall fail to give such aid, or when summoned to act as patrol, refuse to act, and when any person is so called on and aids such officer as required, he shall not be liable to punishment therefor, nor to any damages in a civil suit, provided he did no more than was necessary to effect such arrest.

39. To punish injuries to streets, sidewalks, and trees, and to private or city property.

40. To exempt from city taxation for a period of not longer than five years any new enterprise, business or industry which may come into said city after the passing of this act.

SEC. 8. Be it further enacted, That the mayor and city council are forbidden to make any appropriation of money or credit in the way of donations, festivities or pageants, and they are hereby prohibited from employing or appropriating the revenues and taxes in any other manner than for purposes strictly municipal and local, and according to the provisions of this act.

Acts forbidden

SEC. 9. Be it further enacted. That the city council shall, by ordinance, determine the number of standing committees and the number of members of each com-

mittee, and their duties. The mayor shall appoint
Committees. said committees as soon as practicable after his election, and he shall be ex-officio a member of each, but shall not be entitled to a vote, except in case of a tie.

SEC. 10. Be it further enacted. That all city ordinances shall begin as follows : "Be it ordained by the
Ordinances mayor and city council of Anniston," and shall at the end of the act contain the provision that "this ordinance shall go into effect from and after its passage, the welfare of the city requiring it," otherwise the same shall not take effect until twenty days after its passage.

SEC. 11. Be it further enacted, That no member,
Contracts. officer or employee of the mayor or city council shall be directly or indirectly interested in any contract or work of any kind whatsoever under the direction of the said mayor or city council, and any contract or material in which any such person has any interest, shall be void.

When in the opinion of the city council it shall become necessary in the prosecution of any work to make alterations or modifications in the specifications or plans of a contract, such alterations or modifications shall only be made by order of the city council, and such order shall have no effect until the price to be paid for the same shall have been agreed upon in writing, and signed by the contractor, and approved by the city council. The total cost of the work, with the addition of the price so agreed upon, shall not exceed the original estimate.

No contractor shall be allowed anything for any extra work, alteration or modification, unless this section be complied with, and he shall not be allowed more than the price fixed by agreement.

SEC. 12. Be it further enacted, That the several
Arrests by po- members of the police force shall have authority to
liceman. immediately arrest, without warrant, and take in custody any persons who shall commit or attempt to commit, in the presence of such policeman or in his view, any breach of the peace or public offense prohibited by the laws of Alabama, or any ordinance of the city council, and such policemen shall, upon such arrest, unless bond be given, deliver such offender to the keeper of the city guard house, that he may be

dealt with according to law by the mayor's court at its next sitting, and the officer shall, without delay, report the arrest and the cause thereof to his superior officer.

SEC. 13. Be it further enacted. That every person committed to the work house or to work on the streets shall be required to work at such labor as his health and strength will permit, within or without said city, not exceeding ten hours a day, and for such work the persons so employed shall be allowed, exclusive of his board, fifty cents per day, until the whole is discharged. No person shall be compelled to work longer than six months for any offense.

Work on streets, etc.

SEC. 14. Be it further enacted, That all taxes shall be collected as prescribed by ordinance. Collectors of, taxes on privileges in said city shall have power to issue distress warrants and alias and pluries distress warrants in the name of the mayor and city council. The same may be executed by any policeman or other officer.

Collections.

SEC 15. Be it further enacted. That the mayor and city council are authorized to create such offices and to provide by ordinance for the appointment or election of all such officers as may be necessary for the good government of the city (not to interfere or conflict with the duties of officers and appointees provided for in this act) whose compensation and bonds and the time of service shall be fixed before their election. The said mayor and city council shall have authority at any time to abolish any office created by them. All elections by the city council shall be by viva voce, on the call of the roll. All officers created by this act, or by ordinance, shall give such bond as the mayor and city council shall decide. No councilman shall be eligible to any city office during the period for which he was elected.

Offices and officers by council

SEC. 16. Be it further enacted. That the mayor and city council of Anniston shall be and are hereby authorized to issue in their corporate capacity the coupon bonds of the city of Anniston, to the amount of one hundred and fifty thousand dollars ($150,000.00) in addition to bonds issued under the act approved February 14, 1887, bearing interest at the rate of six per centum per annum. The said bonds shall be of such

Bonds.

denomination, each not less than one hundred or more than one thousand dollars, as may be fixed by the mayor and city council, and shall mature thirty years after issuance, and be made payable at such place or places as the mayor and city council may designate, and the interest on said bonds shall be made payable semi-annually at such place or places as may be fixed by authority of the said mayor and city council.

The mayor and city council of Anniston shall have authority to sell said bonds of the city, or any part thereof; Provided, no sales shall net less than ninety-five per cent. of their par value, and the proceeds of such sale or sales shall be applied to the construction and improvement of streets, alleys, sewers, and public places of said city, and for the erection of public buildings, and for the purchase of a cemetery.

SEC. 17. Be it further enacted, That the city council shall elect a tax assessor, whose term of office shall be two years, and whose salary and bond shall be fixed by the city council. It shall be the duty of such assessor, before the first day of May of each year to assess for taxes, all property within the corporate limits of said city, subject to taxation under the laws of this State, such assessment, naming the person liable to such taxes, when known, and specifying the property when the owner is not known, which assessment shall be returned to the mayor and city council, and the mayor shall cause at least ten days public notice that such assessment has been made, and the time when the city council or a committee thereof will hear and determine upon all complaints which may be made against such assessment, and it shall be the duty of the city council or committee thereof, to correct errors and supply omissions, and when the same has been passed upon by the city council, they shall levy a tax thereupon, and such levy shall have the force and effect of judgment and execution, and taxes on personal property may be collected by levy and sale, on giving such notice as is required by law, on execution from the circuit court.

Tax assessor and duties.

SEC. 18. Be it further enacted, That whenever any taxes on real property in the said city, assessed for municipal purposes, shall be due and unpaid for thirty days, the city tax collector may file with the mayor, a

Duties of tax collector and mayor.

list of such property, describing the same as accurately as may be according to the map of said city in common use, and with the name of the owner of each separate piece, if known, and the amount of taxes, interest and costs due on each piece separately, or if the owners be unknown, stating the fact and giving the name of the occupant, if any, or that the property is unoccupied. It shall be the duty of the mayor o£ said city to keep a book in which he shall enter the property so reported to him delinquent, stating each piece separately, and docketing a case against each piece of property, as follows : " Mayor and City Council of Anniston, vs. ————," (describing the property) and against such entry shall note the ownership of said property and the amount of taxes, interests and costs due on said property, and shall leave space for the proper judgment entry in each case. The mayor shall then cause a notice to be posted in some conspicuous place on said property, stating the fact that the taxes are delinquent, and giving the amount of same and such statement as to ownership, as may be entered on his docket, and that proceedings are pending before the mayor to have the same sold for taxes, and also shall cause a similar notice to be served on the owner of said property if known, and resident in the county of Calhoun, otherwise upon the occupant of said property, or if the same be vacant, shall publish such notice in a newspaper published in said city for three consecutive weeks, before proceeding further in said matter. The notice prescribed, shall be served and posted by some policeman of said city, whose return of service and posting and publication, shall have the same force and effect of a return of a sheriff on process from the circuit court. If the taxes remain unpaid for thirty days after the posting and service of said notice or publication, the city tax collector may move the mayor for a judgment against said property for the amount of taxes, interest and costs due on same, and the mayor shall thereupon, if good cause be not shown to the contrary, enter upon his said docket a judgment against said property, for the amount of taxes, interest and costs, that may be due on said property, and a decree for the sale of the property for non-payment of the same, which judgment

and decree shall be sufficient, if in substance, as follows: "Due notice having been given, and no cause shown to the contrary, it is decreed that the property described in this cause, be sold for non-payment of—— (giving amount of taxes, interest and costs) the amount of taxes assessed against same, with interest and costs," which judgment shall have the same effect as a decree of the chancery court of the district where said real estate is situated.

An appeal may be taken to the next term of the chancery court for that district by any person interested in said property, from the decree of the mayor in such
Appeals. case, upon giving bond in double the amount of the judgment with sufficient sureties, to be approved by the mayor, at any time within thirty days after the rendition of such judgment. Said bond shall be conditioned to pay such decree as the chancery court may render in the premises, and all such costs or damages as the mayor and city council may sustain if the judgment is affirmed.

Such appeal shall be heard on the record and bill of exception reserved by the defendant, setting out such of the evidence as he may deem necessary to a fair presentation of his defense, and must be affirmed, or reversed and remanded or decree rendered by the chancellor as may be just and right.

Upon obtaining judgment in any of said causes, the city tax-collector shall advertise the property so decreed to be sold, for three successive weeks in some newspaper
Sales for taxes. published in the said city stating in the said advertisement the description of said property, the amount of the judgment against the same, the ownership thereof as shown by the court docket, and the time and place where he will offer the same for sale ; and on the day advertised, at the place mentioned in said advertisement, being some place in said city, within legal hours of sale, lie shall offer said property for sale to the highest bidder, for cash, and may continue said sale from day to day, or adjourn the sale of one or more pieces of the property for want of bidders, from time to time, not longer than ten days at one time, and may give notice of such adjournment by a foot note to the original advertisement. The mayor and city council may purchase at any sale any piece of property for which there is no bidder greater than the amount of said judgment, or may withdraw from sale any piece for which there is not a bid exceeding said amount.

Where any piece of property so offered for sale is bid off by any person, the city tax collector shall give to such purchaser a certificate, stating the fact of his purchase and the price, and amount and nature of the judgment for which the property was sold, which certificate shall be transferable by endorsement, and if said property is not redeemed by the end of two years from the date of sale, the city tax collector shall execute a deed to the holder of the certificate conveying the property sold, which deed shall be acknowledged by the said collector before any competent officer, and upon being duly probated, as required by law, shall vest in the grantee all the right, title and interest which the owner of the property conveyed had in the same.

A deed made and recorded, as provided in this section, shall, when offered in evidence in any court in this State, be prima facie evidence that every requisite for a legal sale under this act has been fully complied with.

If for irregularity in proceeding or other cause, a sale for taxes under this act shall prove ineffectual to pass title to the purchaser at such sale, or his assigns or grantee, then the holder of the certificate of purchase, or deed, as the case may be, shall have the lien of the said mayor and said city council of Anniston on the land named therein for the amount of interest, taxes and costs for which said land may have been sold, and shall also be a lien upon said land for interest upon same, and for taxes paid thereon by any holder of said certificate, or deed, after the time of such sale, and such lien may be enforced by new proceedings before the mayor in the name of the mayor and city council of Anniston upon indemnity being given for costs.

The owner or mortgagee of any interest in said property, whether in possession, reversion or remainder, may at the time, before the execution of the deed provided for in this act, redeem any property so sold, by paying to the city tax collector the amount for which such property was sold, with ten per cent. damages thereon and interest on the whole amount at eight per cent. per annum; and said collector shall give to the person rendering a certificate of such redemption, which if held by a mortgagee or any other person in interest, shall be a lien on said land for the amount paid to redeem any interest thereon, and any subsequent taxes paid by such redeeming party, and the

Redemption.

said collector shall pay over the redemption money to the holder of the certificate of purchase, upon the same being presented to him.

The mayor shall tax as costs against the property ordered to lie sold by him, fees for giving notice and for the trial and rendition of Judgment and for making a certificate of purchase and execution of a deed as the mayor and city council may prescribe, not exceeding five dollars in any case, which shall be paid into the treasury of the city.

Costs.

The certificate of purchase under this act shall authorize the purchaser or his assignee to maintain ejectment for the possession of premises sold against, the former owner, if the sale was made as required by this act, and in addition to the right of redemption secured by this act, the owner or mortgagee of any interest in the property, whether in possession, reversion or remainder, may redeem the same on the terms and conditions prescribed in this section above provided for, at any time within two years from the time the purchaser enters upon or maintains possession of the property, and if such owner or mortgagee is an infant or person non compos mentis, he shall be allowed two years after the removal of such disability in which to redeem.

SEC. 19. The mayor shall act as judge of the mayor's court, and shall have power to try and punish all offenses against the ordinances of the city of Anniston by fine not exceeding one hundred dollars and imprisonment or hard labor on the streets or public works not1 exceeding six months. And as judge of the mayor's court, he shall have exclusive power to pardon and release persons convicted by him under city ordinance. The mayor or mayor pro tern shall have power to punish for contempt of court to the same extent that a justice of the peace may. Said mayor shall have power to examine and commit, or to admit to bail or discharge any person charged with any criminal offense, and he shall have the authority of a justice of the peace in all criminal matters arising within the corporate limits of Anniston.

Mayor's court

SEC. 20. Be it further enacted, That where parties tried before the mayor or mayor pro ternpore of said city are dissatisfied with any judgment rendered by said mayor or mayor pro tempore, he or they may forthwith appeal to the circuit court of Calhoun county by giving

Appeals to circuit court

bond with good security, to be approved by the mayor, conditioned to pay and satisfy such judgment with costs as the appellate court may render on such appeal, but unless such bond be given within five days, then no appeal shall be allowed from such judgment. The proceedings on such appeal shall be in all respects as prescribed by law, and in case of appeals from judgment of a justice of the peace in civil cases, except as changed by this act. If such defendant fail to appear in said circuit court, and the case is called for trial, the judgment of the mayor or mayor pro tern shall be affirmed by said appellate court, and judgment shall be rendered against the defendant and sureties on his appeal bond for the amount of the fine imposed by the mayor or mayor pro tem and the costs of the appeal, unless good cause is shown the court for his absence or default, and in case the defendant appears and judgment is rendered by said court for money, the court must also render judgment against the sureties on his appeal bond for the amount of such judgment and costs, and if the judgment of said appellate court be that the defendant be imprisoned or put to hard labor for the city, then the court shall render judgment against the defendant and his sureties on the appeal bond for the costs of the trial in the mayor's court, and remand the defendant to the city authorities for punishment. In case of the death of the party appealing, the action may be revived by or against his personal representative in all cases where the cause of action may be properly revived. From the judgment of said circuit court the mayor and city council may appeal to the supreme court of the State. All cases appealed from the mayor's court shall be placed on the docket and tried immediately after the criminal docket of said court has been disposed of.

SEC. 21. Be it further enacted,. That the mayor and city council are hereby empowered and authorized to elect a recorder of said city at any time they may deem such officer necessary, and when so elected and qualified by such oath as may be prescribed by the mayor and city council, he shall exercise all of the judicial functions and powers conferred by this act upon the mayor, and shall hold office for a term of two years. He may be removed by the mayor and city council for good cause. The salary of such recorder shall be fixed by the mayor and city council, and shall not be changed during his term of

Recorder

office, and in his absence, the mayor shall preside over the mayor's court.

SEC. 22. Be it further enacted, That this act is declared to be a public act, and may be read in evidence in all courts of law or equity, and all ordinances, resolutions and proceedings of the city council may be proved by the seal of the corporation, attested by the city clerk, and when printed and purported to he published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Street tax.

SEC. 23. Be it further enacted. That all male persons liable to road duty under the laws of the State residing in said city shall be liable to street tax, and shall be exempted from road duty upon payment of said street tax, but on failure to pay said street tax, shall be forced to work out the amount thereof on the streets of Anniston at the rate of fifty cents per day.

SEC. 24. Be it further enacted, It is not the intention of this act to repeal any city ordinances now in effect, or any act relating to Anniston, only as to those parts inconsistent to this act.

Approved February 23, 1889.

No. 367.] AN ACT [H. B.845

An act to incorporate and establish a charter for the town of Childersburg, in the county of Talladega.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the town of Childersburg shall be and are hereby constituted a body politic and corporate by the name of the Mayor and Council of the Town of Childersburg, by which name they and their successors in office, shall be capable of sueing and being sued, pleading and being impleaded, in all manner of suits, either in law or equity, to grant and receive, purchase, hold, use and dispose of, for the benefit of said town, real, personal and mixed property, and in general to do and perform all acts which are usually incident to such bodies corporate, and to do all other acts as natural persons.

Corporate name.

Powers

SEC. 2. Be it further enacted. That the corporate

limits of the town of Childersburg shall embrace all of section (20), fractional township (20), range (3), east in Talladega county. Limits.

SEC. 3. Be it further enacted. That the government of said corporation shall consist of, and its corporate powers shall be exercised by a mayor and four councilmen, who shall be elected on the first Monday in March, 1889, by ballot of the qualified electors, under the general election laws of the State, who reside within the corporate limits of said town, who shall hold office for the term of two years, and until their successors shall be elected and qualified, and no person shall be eligible to hold the office of mayor or councilman of said town who has not resided therein one year next preceding the election ; that the following named persons shall be and are hereby appointed inspectors to hold the first election under this act: D. B. Oden, E. C. Dameron and R. Wood. Said inspectors shall appoint two clerks of election and shall make returns thereof to a justice of the peace, of the precinct in which said town of Childersburg is located, who shall declare the result of said election, by posting up notices in the three public places in said town. He shall also notify the officers so elected, who shall at once enter upon their respective duties, after having been sworn to faithfully perform the same. Election.

SEC. 4. Be it further enacted. That no State or city license must be granted to sell spirituous, vinous or malt liquors in said town of Childersburg, unless the applicant therefor produce to the judge of probate of Talladega, and mayor and councilmen of said town of Childersburg, the recommendation of a majority of the bona fide resident freeholders, who have so resided within the corporate limits of said town for one year prior to the signing of said recommendation, stating therein that they are acquainted with the applicant; that he is a person of good, moral character, and in all respects a proper person to be licensed ; that all laws, general or special, in conflict with this section, are hereby repealed, so far as the same relates to the territory herein embraced. Liquor license

Approved February 25, 1889.

No. 368.] AN ACT [H. B. 762

To repeal an act to provide for the appointment of a Solicitor for each of the counties of Madison, Jackson and DeKalb, and to prescribe his powers and duties, approved February 17, 1885, in so far as the same relates to the county of DeKalb

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act to provide for the appointment of a solicitor for each of the counties of Madison, Jackson and DeKalb, and to prescribe his powers and duties, approved February 17, 1885, be and the same is hereby repealed in so far as the same relates to the county of DeKalb; Provided, this act shall not take effect till after the expiration of the term of office of the present incumbent.

Act repealed; County solicitor.

SEC. 2. Be it further enacted. That the solicitor of the ninth judicial circuit, the county of DeKalb being in that circuit, represent the State of Alabama in said county of DeKalb, as he does in the other counties in said circuit that have no county solicitor.

Approved February 25, 1889.

No. 369.] AN ACT [s. 408

To amend the caption and section one of an act, approved February 7, 1852, entitled an act to incorporate the Baptist Female Institute at Moulton.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the caption of an act approved February 7, 1852, entitled an act to incorporate the Baptist Female Institute at Moulton, be amended so as to read as follows: "To incorporate the Baptist Male and Female Institute at Moulton."

Baptist male and female institute.

SEC. 2. Be it further enacted. That section one of said act be amended so as to read as follows: "That H. B. Irwin, W. D. Irwin, J. M. Doss, W. M. Alman, T. W. Lynch, Noble G. Deleshaw, William D. McDaniel, William F. Pruett, John C. Orr, Jackson Windham, Dr. James M. Clarke, James I. Gibson and Alexander Heflin,

heretofore appointed trustees of the Baptist Male and Female Institute at Moulton, by the Muscle Shoals Association of Baptists, and their successors in office, be and they are hereby constituted a body corporate under the name and style of "The Trustees of the Baptist Male and Female Institute at Moulton."

Approved February 23, 1889.

No. 370.] AN ACT [s. 253

To amend and ratify the charter of the Birmingham Safe and Lock Company, incorporated in Jefferson county, Alabama, under the general statutes of said. State, and to extend and enlarge the powers of said company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the charter of the Birmingham Safe and Lock Company, issued on the 22d day of September, 1887, by the probate judge of Jefferson county, under the general laws of incorporation of the State, is hereby declared to be in all respects legal, and that all the acts of aid corporation, not inconsistent with the laws of the State Alabama, are hereby ratified. Charter ratified

SEC. 2. Be it further enacted. That in addition to the powers of the Birmingham Safe and Lock Company, a corporation organized under the general statute laws of Alabama, in Jefferson county, that said company shall have and possess the following powers, namely: To have perpetual succession, to sue and be sued, contract and be contracted with, make, have and use a common seal, the same to break and alter and renew at pleasure, acquire, hold, enjoy, buy, sell and convey, improve, lease, rent, mortgage, or encumber, all such real estate or property as it may desire in the management of its business, or for any purpose for which said company may desire to use or deal in the same; borrow and loan money on such security as it may approve, possessing in such respects the same power as individuals now enjoy; to issue notes, bills of exchange, mortgages, or bonds secured by mortgages, or trust deeds, on its properties, including its real estate, plant, machinery, patents and franchises, for the purpose of retiring existing obligations, the purchase of new ma- Powers.

chinery, the extention of its operations, or for any other purpose that it may deem necessary or conducive to its best interest; to manufacture fire and burglar-proof safes, jail cages, fire and burglar-proof vaults, safe locks, and any and all other kinds of locks and fastenings; to make sastings, chains, coffins, coffin trimmings, mantles, and all farming implements, and to produce, manufacture, buy and sell coke, iron and steel; to purchase and construct such furnaces, rolling mills, manufactories, buildings and structures that may be deemed needful and useful in carrying on its business permanently and in the most effisient and advantageous manner; to lay out, construct and purchase all such tramways, railroads, or any other roadways as may be convenient for the transportation of its ares, minerals and coke, or any other things that may be required in its business; to form and operate or subscribe For the stock in the tramways or street railways, and to this end to contract for and acquire rights of way and -oad-bed for the same, provided that said company shall awfully acquire the same for the said tramways and railways before the construction thereon; and to make all such rules, regulations and by-laws not inconsistent with the laws of the United States, or of the State of Alabama, as be necessary and convenient for the proper transaction of the business of the company, and generally nay do any act necessary to carry into full force and effect the powers herein granted.

SEC. 3. Be it further enacted. That the capital stock of the said company shall be fifty thousand dollars, divided into five hundred shares of one hundred dollars each,

Capital stock.

and that the board of directors of said company may open the books of subscription to the capital stock of said company, and keep them open from time to time until all the capital stock of said company is taken by bona fide subicribers.

SEC. 4. Be it further enacted. That the management of the business of this company shall be entrusted to the board of directors, which shall consist of not less than.

Directors, and. their duties.

five nor more than ten stockholders, which number may be increased or reduced within the limits named at any regular meeting of the stockholders, or special meeting sailed for the purpose, and said directors, when elected, shall hold their office for one year, or until their successors are elected and qualified. Said board of directors

shall then elect a president, vice-president, general manager, secretary and treasurer, each of whom shall be a director. The treasurer shall be required, before entering upon his duties, to give bond in such amount as the board of directors may direct, with sufficient surety approved by them, for the faithful conduct of his office. The several officers of said company shall perform the duties usually incumbent upon such officers, and such other duties as may be required and prescribed by the board of directors; Provided, that nothing in this act shall be construed to affect the present organization of said company, but the officers and board of directors of said company as now organized, may be continued in office until their term of office expires, or until their successors are elected and qualified under the provisions of this act. The board of directors must make an annual report to the stockholders of their management of the affairs of the company and of its financial condition. The stockholders of said company shall meet annually for the election of officers, or so often as may be necessary for the interest of the company, but the failure to hold regular meetings shall not impair the validity of the charter of said company, or affect its rights to exercise its corporate functions.

SEC. 5. Be it further enacted. That the capital stock of the said Birmingham Safe and Lock Company may be ncreased to a sum not exceeding five hundred thousand dollars by a two-thirds vote of the stockholders present at any meeting held for that purpose, such meeting to be held after giving thirty days' notice thereof by an advertisement in a newspaper published in the county of Jefferson and State of Alabama; And provided further, that the existing stockholders shall be preferred in taking such increased stock.

SEC. 6. Be it further enacted. That the affairs of the said Birmingham Safe and Lock Company shall be wound up and said corporation dissolved whenever, at a meeting called for that purpose, after giving thirty days' notice of such meeting so called by an advertisement in a newspaper in the county of Jefferson, Alabama, three-fourths of the stockholders in value shall decide that the interest of the corporation requires that it should be wound up and its affairs closed, but said corporation shall retain the right to sue and be sued until all

of its affairs are settled and finally adjusted. At every stockholders' meeting of the company, each stockholder shall be entitled to one vote for every share owned and held by him and in his name, and at every meeting of the stockholders any stockholder may be represented by proxy, authorized in writing, duly executed and acknowledged, but not otherwise.

Approved February 23, 1889.

No. 371.] AN ACT [H. B. 813

To repeal an act, entitled an act to prevent the sale, giving away or otherwise disposing of any spirituous, vinons liquors, intoxicating bitters, or any other intoxicating drinks within the limits of Fayette county and other places therein named, approved February 17, 1885, so far as the same applies to Fayette county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to prevent the sale, giving away, delivering or otherwise disposing of any spirituous, vinous liquors, intoxicating bitters or any other intoxicating drinks within Fayette county, and other places named therein, approved February 17, 1885, be and the same is hereby repealed so far as the same relates to Fayette county.

Liquor prohibition repealed.

SEC. 2. Be it further enacted. That the provisions of this act shall not conflict with the provisions of house bill number 20, which prohibits the sale of liquor in the State of Alabama except in corporated towns and cities where they have a police force day and night.

SEC. 3. Be it further enacted, That this act shall go into effect immediately after its passage.

Approved February 25, 1889.

No. 372.] AN ACT [H. B. 470

To amend section one of an act entitled an act to fix the compensation of the tax assessor of Mobile county, approved February 28, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to fix the compensation of the tax assessor of Mobile county, approved February 28, 1887, be amended so as to read as follows: The tax assessor of Mobile county shall receive forty-five hundred dollars per annum in full compensation for all services rendered by him as tax assessor to the State of Alabama, the county of Mobile or to the common free school system, he paying for all help ; this amount shall be paid to him out of the county treasury in quarterly payments of equal amounts. This act shall take effect from the beginning of the present term of office of said tax assessor ; Provided, that no payment shall be made until approved by the board of revenue commissioners of said county; Provided, further, that his salary shall not exceed his fees and commissions for any one year, as provided under the general law. Compensation of tax assessor.

SEC. 2. Be it further enacted. That out of said sum as salary so allowed to the assessor the sum of two thousand dollars shall be paid by the county treasurer to such clerical assistants as the assessor may order to be paid ; and if said amount is not so paid during the year the same or any balance thereof shall be covered into the county treasury; Provided, that such orders of the assessor on the county treasurer shall first be approved by the board of revenue of the county of Mobile before being paid.

Approved February 25, 1889.

No. 373.] AN ACT [H. B. 435

To establish a criminal court for the county of Pike with criminal jurisdiction in misdemeanor cases.

SECTION 1. Be if enacted by the General Assembly of Alabama, That there is hereby established in the city of

Troy, an inferior court of record to be called the criminal court of Pike county, to be held and presided over by a judge who shall reside in said city, or in four miles thereof, and shall be a man learned in the law, who shall be appointed by the governor of the State of Alabama, who shall hold his office for the term of two years from such appointment, take the same oath, and exercise the same powers in all cases of misdemeanors and be removed from the same causes as judges of the circuit courts of this State.

Criminal court.

Judge appointed by govern'r.

SEC. 2. Be it further enacted. That within ten days after the passage and approval of this act, it shall be the duty of the judge of the second judicial circuit to make an order upon the minutes of the circuit court of Pike county, Alabama, directing and requiring the clerk of said circuit court to deliver to the judge of said criminal court of Pike county, when appointed, all indictments then pending and entered in said circuit court against persons charged with the commission of misdemeanors, together with all papers and a certified copy of all docket entries and minutes of proceedings had therein in said circuit court; and upon the transfer and delivery of the same the jurisdiction of said circuit court shall cease and exclusive jurisdiction thereof shall rest in said criminal court of Pike county.

Jurisdiction of all misdmeanors.

SEC. 3. Be it further enacted. That prosecutions may be instituted, or commenced in said criminal court of Pike county, in the same manner as is now provided by law in the county courts of this State to be thereafter subject to the provisions of this act.

Prosecutions.

SEC. 4. Be it further enacted. That all indictments for misdemeanors that may hereafter be preferred by the grand jurors of said county of Pike must be returned by the clerk of the said circuit court to the judge of the said criminal court of Pike county, and filed in said criminal court, and process to be issued by the clerk of said criminal court, and all proceedings had in such causes as is now had in the circuit court, except as may be hereinafter provided.

Duty of circuit clerk.

SEC. 5. Be it further enacted. That said criminal court of Pike county shall conform to the practice and rules of procedure of the circuit courts of this State.

Rules.

SEC. 6. Be it further enacted, That said criminal court of Pike county shall be held, and the office of the

Regular terms.

clerk thereof shall be kept at the court house of said county of Pike; said court shall hold regular terms on the first Monday in each month, and may continue in session until the business of said court is disposed of. The regular terms in April, July, October and January of each year, shall be terms for the trial of all causes pending in said court in which juries have been demanded.

SEC. 7. Be it further enacted. That every person charged either by complaint or indictment with a commission of a misdemeanor shall be entitled to a trial by jury; Provided, such person makes a demand therefor before the first day of the next regular term of said court after he is arrested or taken into custody; And provided further, that any person so arrested or taken into custody within three days of the next regular term of said criminal court shall have, until the cause is called for trial, to demand a jury trial. Jury trials.

SEC. 8. Be it further enacted, That whenever a jury trial is demanded as provided in section (7) seven of this act, the judge of said criminal court must make an order, containing the cause, to the next jury term of said court, and also make an order requiring the defendant or defendants to give bail for their appearance at such jury term and from term to term thereafter until discharged by law, and may bind over the witnesses to appear at such term to which said cause is continued, and from term to term thereafter until such cause is disposed of.

SEC. 9. Be it further enacted. That the petit jurors for each jury term of said criminal court for the first week of such term of said criminal court shall be twelve competent and qualified jurymen, and shall be drawn by the judge of the said court, sheriff and clerk of said court, out of the jury boxes now provided by law from which the juries of the circuit court are now drawn, and shall be empanelled by the judge of said court in the same manner as is or may be provided by law for the empanelling of juries in the circuit courts of this State, and venires for such jurors shall be issued by the clerk of said court, and executed by the sheriff of said county in the same manner as is now provided for circuit courts, and the said criminal court shall have the same power to call in tales jurors as the circuit court now has or may hereafter have; and provided, that if any jury term of said criminal court shall continue more than one week, Petit jurors.

the judge of said court shall order the sheriff to summons from the bystanders a jury of competent and qualified jurymen, and when so summoned shall be empanelled by the judge of said court as the jury for such succeeding week or weeks.

Adjournments. SEC. 10. Be it further enacted. That there may be such temporary adjournments of such courts as may be deemed expedient and proper by the judge thereof.

SEC. 11. Be it further enacted. That the judge of said court may call a special jury term whenever he

Special terms. deems it necessary. Twenty days notice of such term must be given by publication in some newspaper published in said county of Pike.

SEC. 12. Be it further enacted. That the laws of a

Laws applying. general nature now in force, or may be hereafter enacted, so far as the same applies to misdemeanors, unless the contrary be expressly provided, or may be limited by this act, shall be held to apply and extend to said criminal court.

SEC. 13. Be it further enacted. That the clerk of the

Clerk. circuit court of Pike county shall be ex-officio clerk of said criminal court and shall receive the same fees as are now allowed for like service in the circuit court.

SEC. 14. Be it further enacted, That if the judge of

When judge falls to open court. said criminal court fails to open said court on the first day of any regular term, that the sheriff must adjourn the court from day to day, for not more than three days, after which time, if the said judge fails to attend, the court will stand adjourned until the next regular term.

SEC. 15. Be it further enacted, That all appeals from

Appeals. said criminal court, shall be direct to the supreme court of the State of Alabama, and that the laws now in force, or that may hereafter be enacted, governing or applying to appeals in misdemeanors from the circuit courts of the State, shall apply to appeals from this court.

SEC. 16. Be it further enacted. That the deputy or

Solicitor. county solicitor of Pike county shall be required to attend said court, and shall be the presiding officer before said court, and shall be entitled to the same compensation as is now provided by law and to be paid in the same manner.

Sheriff, etc. SEC. 17. Be it further enacted. That the sheriff, coroner and constables of the county of Pike shall be required to attend said court, preserve order, execute and

return its process as they now are or may hereafter be required to do in the circuit court.

SEC. 18. Be it further enacted. That the compensation of the jurors attending on said court shall be one dollar and fifty cents per day, which shall be paid out of any money in the county treasury not otherwise appropriated. Pay of jurors.

SEC. 19. Be it further enacted. That the fees of sheriffs, bailiffs and constables, and witnesses for services rendered in and upon said court, shall be the same as are now allowed by law for like services in the circuit court of Pike county, and shall be paid as now provided by law. Fees.

SEC. 20. Be it further enacted. That the judge of said criminal court shall be allowed the same fees as are now allowed to the judges of the county courts in this State for like services rendered by him. Salary of judge.

SEC. 21. Be it further enacted, That the salary of the judge of the court hereby established shall be one thousand and two hundred dollars a year. It shall not be diminished during his continuance in office except with his consent, and be payable quarterly at the treasury of the county of Pike upon his order out of any money in the treasury unappropriated; and for the remuneration of said county for the payment of the same, all the fees allowed to the judge of said court as herein provided, and, the fines and forfeitures of all State cases in said court shall be paid into said treasury in preference to any other appropriation of the same, and shall be collected in money or lawful currency, which is alone authorized to be received in payment of all such fees, tines and forfeitures, and in all cases that shall be tried in such court hereby established in which the defendant, after conviction, shall be unable to pay the cost of prosecution, the same shall be paid out of the fines and forfeitures that have accrued, or may accrue in criminal cases in said court. Fees, fines, etc. go into county treasury.

SEC. 22. Be it further enacted, That the county treasurer shall keep the account of the fines, forfeitures, and costs of said criminal court separate and distinct from that of the circuit court, and no part of the fund of one court shall be used to defray the expenses of the other. Duty of treasurer.

SEC. 23. Be it further enacted. That the criminal jurisdiction of all misdemeanors committed in said county of Pike, be and the same is hereby vested in the said Criminal jurdiction.

criminal court of Pike county, to be exercised in as full and ample manner, and upon like process and proceedings as the jurisdiction of the county and circuit courts of this State is now exercised in cases of misdemeanors.

SEC. 24. Be it further enacted. That appeals shall be from prosecutions before justices of the peace in Pike county to the next term of the criminal court of said county within five days after judgment or conviction by the justice upon the defendant entering into bond, as is now required by law on appeal in similar cases to the circuit or county court, and on such appeals the provisions of section 4230 of the Code shall apply to the proceeding in said criminal court.

Appeals from Justice's courts.

SEC. 25. Be it further enacted, That the sheriff of said county shall make a statement in writing under oath within the first five days of each month allowing separately each fine, forfeiture, and the fees of officers and witnesses collected by him which may appertain to said criminal court, and file the same with the county treasurer, and also furnish a copy thereof to the judge of said court.

Duty of sheriff.

SEC. 26. Be it further enacted. That within five days after the adjournment of each term of said criminal court, the clerk of said court shall issue executions on the judgments rendered at said term, which shall be made returnable to a term of said court not exceeding three months thereafter.

Executions.

SEC. 27. Be it further enacted. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 25, 1889.

No. 374.] AN ACT [H. B. 743

To amend an act entitled an act to establish and incurporate the Scott Academy at Scottsboro, in Jackson county, approved February 16, 1883.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate name of the " Scott Academy," be changed to the Scottsboro College and Normal School, and that it be created and made a body

Name.

corporate to be known and called the "Scottsboro College and Normal School."

SEC. 2. Be it further enacted. That W. L. Martin, H. H. Horton, E. H. Bynam, J. P. Eorex, and J. E. Brown, be and they are hereby made a board of trustees of said Scottsboro College and Normal School, to hold office until their successors are elected and qualified. Trustees

SEC. 3. Be it further enacted. That the name of said corporation shall be " Scottsboro College and Normal School," and its domicil and place of business, shall be Scottsboro, in Jackson county, Alabama. Said corporation under said name, shall have power to sue and be sued, contract and be contracted with, plead and be impleaded, to buy, sell, hold, and convey, mortgage and lease real and personal property; to receive gifts and donations of money or other property; to employ teachers and to organize, regulate and maintain a college for the education of children and the training of professional teachers; to fix the rate of tuition and other charges to be paid by students, and to collect the same by such officers or agents as the board of trustees shall appoint; to confer degrees and grant diplomas to all who shall complete the course of study adopted by the board of trustees. Said corporation may have and use a corporate seal, and may from time to time, establish such by-laws, rules and regulations as may be deemed advisable for the proper and successful management of its affairs. Powers.

SEC. 4. Be it further enacted. That said Scottsboro College and Normal School, shall be and is hereby invested with all the property, real and personal, heretofore and now held by the said Scott Academy, and with the title to and ownership of all property, real and personal, heretofore or which may be hereafter conveyed, given or subscribed for the purpose of erecting the new brick school building, in said town, or for furnishing, repairing or extending the same, or for inclosing or improving the grounds thereof.

SEC. 5. Be it further enacted. That said corporation may by its board of trustees, issue certificates of stock of the face value of ten dollars per share to paid up subscribers of subscription for erecting, furnishing or improving said new building or the grounds thereof, May issue certificates of st'ck

or for maintaining said school; said certificate of stock to be governed, as far as applicable, by the provisions of sections 1669 to 1675, inclusive, of the Code of Alabama. The capital stock of said corporation may be fixed by the board of trustees, and may be increased from time to time, as they may deem expedient.

Trustees.

SEC. 6. Be it further enacted. That the officers of said corporation shall be a board of trustees, composed of a president and four members, who shall be stockholders in said corporation, to be elected annually by the stockholders at such time as may be fixed by the by-laws, or at such time as a majority in value of the stockholders deem admissable. Said board of trustees may elect a secretary and treasurer, and such other officers as they may deem advisable. In all meetings of stockholders, each share of ten dollars shall be entitled to one vote, and a majority in value of the stock, shall constitute a quorum for the transaction of business.

Diplomas.

SEC. 7. Be it further enacted. That degrees and diplomas granted by said Scottsboro College and Normal School, shall be signed by the faculty of said college and countersiged by the president of the board of trustees; and such diplomas shall entitle the holder thereof to teach in any of the public schools of this State.

Lease.

SEC. 8. Be it further enacted. That said corporation may, through its board of trustees, approved by a majority in value of the stockholders, lease the building and grounds thereof, for a period of not more than five years, whenever they shall deem expedient.

Contracts.

SEC. 9. Be it further enacted, That all contracts, made in writing by said corporation, shall be signed by the president and countersigned by the secretary of said board of trustees. In the event of a vacancy occurring in the board of trustees, the same may be filled for the unexpired term, by the remaining members of the board.

Vacancies.

SEC. 10. Be it further enacted. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 25, 1889.

No. 375.] AN ACT [H. B. 481

To authorize the governor to settle with David G. Allen, one of the sureties upon the bond of Isaac H. Vincent, late State treasurer.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the governor of this State be, and he is hereby authorized and empowered to accept of David G. Allen, one of the sureties upon the bond of Isaac H. Vincent, late State treasurer, the sum of thirty-five hundred dollars in full compromise, settlement and satisfaction of all claim on the part of the State, against said Alien on account of or upon said bond. Governor autheorized to make settlement.

SEC. 2. Be if further enacted. That upon the payment into the State Treasury by said Alien, of the sum of thirty-five hundred dollars and the presentation of the treasurer's receipt therefor, the governor shall give to him a receipt, forever discharging and releasing him from all claim or demand on the part of the State, upon or on account of said bond; Provided, the said thirty-five hundred dollars shall be paid by said Allen within thirty days from the adjournment of the present session of the legislature ; And provided, that the suit now pending in the city court of Montgomery, shall be dismissed at the cost of said Alien.

Approved February 28, 1889.

No. 376.] AN ACT [H. B. 84

To amend section 3089 of the Code so far as the same applies to Sumpter county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3089 of the Code so far as the same applies to Sumter county be amended so as to read as follows: Sec. 3089. Lien on stock kept and fed for pasturage.—Any keeper, owner or proprietor of a livery stable, or keeper, owner or proprietor of any lands kept for pasturage, shall have a lien on all stock kept and fed by him, for the payment of his charges for the keeping and feeding such stock, and he shall have the right to re- Lien on stock.

tain the stock or so much thereof as may be necessary for the payment of such charges, and lie shall have power to sell said stock as provided for by section 3090 of the Code.

Approved February 25, 1889.

No. 377.] AN ACT [s. 76

To constitute the City of Tuscumbia a separate school district and to provide for the management of the public schools in said school district.

SECTION 1. Be it enacted by the General Assembly of Alabama, The corporate limits of the City of Tuscum-
School district. bia, in Colbert county, Alabama, shall constitute a school district separate and apart from the other school districts in the comity of Colbert, and the inhabitants of said city of Tuscumbia are hereby incorporated by the name of "The School District of the City of Tuscumbia."

SEC. 2. Be it further enacted. That the city of Tuscumbia as such separate school district shall receive the proportionate share of the public school fund coming to the county of Colbert, including a pro rata share of the sixteenth section fund of that township that lies partly within the school district of the said city, and shall receive all the taxes collected as poll taxes within such school district, commencing with the scholastic year beginning October 1st, 1888, for the use and maintenance of the public schools therein; said fund and taxes to be drawn by such officer as may be appointed for that purpose by the board of education of the school district of the city of Tuscumbia in the same manner as county superintendents of education draw the funds of their respective counties, said officer to give such bond as may be required by the board payable and conditional as bonds of county superintendents. And the amount thus drawn shall be paid to the treasurer of said board of education.

SEC. 3. Be it further enacted. That all funds devoted
School funds. to public school purposes in the school district of the city of Tuscumbia, whether derived from State, county or city, shall be paid to the treasurer of said board of education and shall be disbursed in such manner as the board

of education shall direct; not more than five per cent of all moneys raised or which may be hereafter appropriated for the support of public schools in said city, shall be used or expended otherwise than for the payment of teachers employed in such school.

SEC. 4. Be it further enacted, That the public schools of the school district of the city of Tuscumbia shall be under the charge of a board of education to consist of the mayor of the city of Tuscumbia, who shall be ex-officio president of said board, and six other persons, residents of said city of Tuscumbia, to be elected by the board of mayor and aldermen of the city of Tuscumbia at their regular meeting in the month of March 1889, or soon thereafter as practicable ; the first two elected shall hold their office for a term of two years, and the second two elected shall hold their office for the term of four years, the last two elected shall hold their office for the term of six years, and at each regular meeting in January biennially or as soon thereafter as practicable, they shall elect two suitable persons to succeed those whose offices have expired, so that two of such persons shall be elected biennially. Vacancies in said board shall be filled by election of the board of mayor and aldermen of the city of Tuscumbia, at the first regular meeting of said board after the occurrence thereof; or as soon thereafter as practicable, the members so elected to serve for the remainder of the unexpired term. The president of said board shall make reports and furnish statistics and information to the superintendent of education of the State as may be required by law of county superintendents of education.

Board of education

Reports to St. superintendent.

SEC. 5. Be it further enacted, That each member of the board of education except the president shall, on his induction into office, take the following oath: I do solemnly swear that I will use my best endeavors to carry out faithfully all the laws now in force and those hereafter enacted to provide a school fund and to regulate the public schools of the city of Tuscumbia, so help me God. Said oath may be administered by the mayor of said city.

Oath of office.

SEC. 6. Be it further enacted. That said board of education shall have power with the approval of the board of mayor and aldermen of said city to build upon the property of the city suitable houses for use and accommodation of the public schools of said district, or said board may rent such houses. Said board shall keep said

School houses.

houses in proper repair and shall furnish the same with appropriate furniture and apparatus ; Provided, that no contract shall be entered into and no disbursements of any moneys or funds under the provisions of this act shall be made except by the consent and under the direction and control of the board of mayor and aldermen.

SEC. 7. Be it further enacted, That the said board of education may open a sufficient number of schools to meet the wants of the population of the city of Tuscumbia, and said board shall elect such officers as are in their opinion necessary to the good government of said schools, and when required such officers shall, before entiring upon the duties of their respective offices, take the oath of office prescribed by law for all officers in this State and shall give bond in such sum as may be fixed by said board of education and conditioned as all other official bonds. Such bonds shall be approved by the president of said board of education, and filed with the other official bonds of the city, and a certified copy of the bond of the officer selected to receive the funds of said district shall be filed in the office of the State superintendent of education; and shall elect a superintendent and all teachers, fix their compensation and prescribe their duties, control distribution of teachers and pupils among the several schools, dictate the course of instruction, the number and character of text hoi.iks, the organization of classes, and shall prescribe rules and regulations for the government of the schools aforesaid. Such board shall have and exercise such other and additional powers as may be necessary to give it complete control of the public schools of said district. Any of such officers or teachers may be removed for cause to be determined by said board.

School officers.

Bonds.

SEC. 8. Be it further enacted, That said board of education may issue diplomas to all persons who satisfactorily complete the course of study prescribed for the public high schools of said school district.

Diplomas.

SEC. 9. Be it further enacted, That the children and wards of actual residents within the limits of the school district of the city of Tuscumbia, from seven to twenty-one years of age shall be entitled to seats as pupils in the public schools of said city ; Provided, such children shall themselves be bona fide residents of said city and non-resident children may be admitted into such schools on such terms and conditions as the board of ed-

Tuition.

ucation may prescribe ; but separate schools shall be provided for the colored childred.

SEC. 10. Be it further enacted, The the board of education shall have power to charge in the several grades in said schools such individual or other fees as they may deem necessary for the proper conduct of said schools.

SEC. 11. Be it further enacted, That the said board of education shall have authority to create a board for the examination of applicants for position as teachers in the several grades of the public schools of said district of the city of Tuscumbia and no person shall be elected as a teacher in said schools who shall not have received a license from such board. Teachers.

SEC. 12. Be it further enacted, That the said board of education shall have authority to elect from its own (members a secretary, treasurer and such other officers as may be required to serve for one year or until their successors are duly elected and qualified. Officers.

SEC. 13. Be it further enacted, That it shall be the duty of the board of education before the first day of August of each year to prepare and file with the mayor of Tuscumbia an estimate of the money that will be required for the maintenance of the public schools of said district for the succeeding scholastic year and for the erection and repair of necessary school buildings in order that the board of mayor and aldermen of said city of Tuscumbia may make the necessary provisions to supply the funds required in said estimate. Duty of board.

SEC. 14. Be it further enacted, That said board of education shall have power to enact by-laws, rules and regulations necessary for its government.

Approved February 26, 1889.

No. 378.] AN ACT [s. 34

To amend section 3932 of the Coode.

Be it enacted y the General Assembly of Alabama, That section 3932 of the Code be amended so as to read as follows:

Section 3932. County officers interested in county contracts, or hire of county convicts.—Any judge of pro-

bate, tax collector, tax assessor, sheriff, clerk of the circuit court, solicitor or county treasurer, members of the court of county commissioners or board of revenue, or any other State or county officer, except

Contracts with county. county surveyors and justices of the peace, notaries public with the powers of justices of the peace, and constables, who takes any contract for work or service of the county, or is employed in any way under such contract, or is interested in any contract for hire of county convicts, or sells any goods or supplies to the county, or is in anywise pecuniarily interested in any such contract or sale, as principal or agent, must on conviction be fined not less than fifty nor more than one thousand dollars, and may be imprisoned in the county jail or sentenced to hard labor for the county, for not exceeding twelve months ; but nothing in this section shall apply to the sale or purchase of drugs or medicines for the use of prisoners or paupers; and provided, that justices of the peace or notaries public with powers of justices of the peace, shall not become interested in any way in any contract for the hire of county convicts ; Provided, that the provisions of this act shall apply only to Sumter county.

Approved February 26, 1889.

No. 379.] AN ACT [s. 427

To confirm the incorporation and organization of the Lauderdale Manufacturing Company, and to define and declare the powers of said company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporation and organization of the

Corporation. "Lauderdale Manufacturing Company," heretofore had, under the general laws of the State, and by and under proceedings had in the probate court of the county of Lauderdale, be and the same is in all things confirmed.

SEC. 2. Be it further enacted. That said corporation shall have and possess all the rights, powers, fran-

Rights powers, etc. shises, privileges and immunities, by the general laws of the State conferred on private corporations organ-

ized for mining, manufacturing or other industrial business, and all general laws applicable to such private corporations, shall be and is hereby made applicable to the said corporation,, the Lauderdale Manufacturing Company.

SEC. 3. Be if further enacted. That said corporation, the Lauderdale Manufacturing Company, has power to purchase bonds, machinery, and material of all kinds for manufacturing of all goods, wares and merchandise, of cotton, wool, iron, wood or other material, to have its land surveyed and platted into town lots, and sell the same ; to erect and operate, or aid other parties to erect and operate manufactories of all kinds that the board of directors of said company may deem of advantage to said company; to build roads, open streets and avenues, erect houses, open quarries, and generally to exercise all such powers and privileges as will fully develop the properties of said company and promote the interests of the stockholders.

Approved February 25, 1889.

No. 380.] AN ACT [s. 350

To incorporate the Alabama Land Immigration Company.

SECTION 1. Be it enacted by the General Assembly of Alabama. That A. J. Brady, Q. A. Prinz, L. Wise, N. B. Holt, H. A. Bahr, J. M. Hunter, W. B. Davidson, E.. B. Snodgrass and H. Wise, their associates, successors and assigns, be and they are hereby constituted a body corporate, under the name and style of Alabama Land and Immigration Company, with the right of perpetual succession, and in its corporate name said corporation is hereby authorized and empowered to have a, common seal, and the same to break, alter and renew, at pleasure; to sue and be sued ; to con-, tract and be contracted with ; to acquire by purchase, devise, gifts, exchange or otherwise, and to have, hold, sell, lease, mortgage, pledge, donate, or otherwise dispose of property of all kinds and description, for present and future business and purposes of the cor-

Corporation.

Rights, powers, etc.

poration ; to promote, aid and encourage the immigration of farmers, mechanics, laborers, and others into Alabama; to contract for and purchase and subdivide, sell or lease plantations or tracts of land; to act as agent or trustee for the purchase, sale, lease or subdivision of lands, and for the purchase, sale or lease of mineral rights, mines and quarries, and generally to have, enjoy and exercise all the rights, powers, privileges, franchises and immunities conferred upon private corporations, organized for mining, manufacturing or other industrial business by the general laws of the State, and all general laws applicable to such private corporations, shall be and are hereby made applicable to said corporation, except as herein may be otherwise provided.

SEC. 2. Be it further enacted. That said corporation is authorized and empowered to open and operate, or aid and encourage the opening and operation of mines and quarries ; to lay off any of its lands in Alabama into tracts, lots, parcels, blocks, parks, fair grounds, and exposition grounds, and to improve, or aid and encourage the improvement thereof; to establish, grade and otherwise improve roads, tracks, streets, avenues and alleys, and to establish, build and operate, or aid and encourage the establishment, building and operation of tramways, or street railways upon any of its lands, and upon any of said streets, avenues and roads, and for the distance of not exceeding ten miles therefrom in all directions, and charge and collect reasonable compensation for the transportation of persons and property ; to erect and construct, or aid and encourage others to erect and construct upon or in the vicinity of its property, buildings, or other structures or improvements for residence, business, manufacturing or other purposes ; to establish and operate or aid and encourage the establishment, and operation of manufacturing, industrial and business enterprises upon or in the vicinity of its property ; to establish and endow or aid and encourage the establishment and endowment of universities, colleges, polytechnic institutions, and industrial schools or colleges, and hospitals, asylums or other charitable institutions upon or in the vicinity of its property, to aid and encourage any or all religious denominations

to erect and maintain churches or houses of worship, upon, or in the vicinity of its property ; to aid and encourage the establishment of banks, savings banks, guaranty companies, trust companies, and insurance companies at or in the vicinity of its property ; to make and construct or aid and encourage the making and construction of drains and sewers on and in the vicinity of its property ; to aid and encourage the construction of railroads on or in the vicinity of its property ; to give, grant or sell rights of way for railroads, tramways, and street railroads, through and over its lands and said streets, avenues and roads; to establish, construct and operate, or aid and encourage the establishment, construction and operation of bridges, ferries and barge flat boats, and steamboat lines, and charge and collect reasonable tolls, fares and freight; to establish, construct and operate, or aid and encourage the establishment, construction and operating upon or in the vicinity of its property of wharves, piers, landings, wharf boats, inclines and warehouses, and charge and collect reasonable compensation thereof ; to establish, construct and operate, or aid and encourage the establishment, construction and operation of water works, gas works, electric light works, and power works for the supply of water, light and power on or in the vicinity of its property, and charge and collect therefor such compensation as may be agreed upon ; to reserve to itself, its successors and assigns, the right to the use of such streets, avenues, roads and alleys, as it may establish under the provisions of this act, for the following uses and purposes, viz: right of way for railroads, tramways, and street railroads, also for water works and pipes, "gas works and pipes, and street lamps, electric works, electric lights, and other lights, electric poles, wires, and conduits, and telegraph and telephone lines, poles and wires ; to change from time to time the size and shape of tracts, blocks and lots, width, direction and location of streets, avenues and alleys, which it may establish on its lands, and abolish such streets, avenues and alleys, in whole or in part, excepting, however, such as may abut on tract, blocks or lots, which may have been previously sold by said corporation, without first obtaining the written consent of the respective owners of such tracts, blocks or lots.

SEC. 3. Be it further enacted, That for the purpose Of promoting the sub-division of lands and of encouraging immigration into Alabama, and of aiding or encouraging persons, firms, associations and corporations, in the establishment, construction, improvement or operation of such roads, tramways, railroads, manufacturing, mining, quarrying, industrial and business enterprises, banks, savings banks, trust companies, guaranty companies, and insurance companies, gas works, electric works, power works, drains, sewers, churches or houses of worship, universities, schools, colleges, polytechnic institutious, industrial schools and colleges, hospitals, orphan asylums, and other asylums and charitable institutions, and the erection of buildings and other improvements, upon or in the vicinity of its property, said corporation shall have the power and authority to subscribe to or purchase capital stock or bonds of such corporations, or to issue and exchange its own capital stock or bonds for capital stock or bonds of such corporations upon such terms as may be agreed upon, or to become jointly interested with any such individuals, firms, associations or corporations, and to lend its credit by endorsement or otherwise, and make donations of lands, lots, money, its own capital stock and bonds, capital stock and bnuds of other corporations held by it, or other property or assets, to such individuals, firms, associations or corporations.

SEC. 4. Be it further enacted, That said corporation shall have the power and authority to aid and encourage any counties, towns or cities in Alabama, in or near which its lands may be located, in any and all works and improvements, of a public or municipal character, which, in the judgment of the board of directors of said corporation, will prove beneficial to its property and interests, by donations or by loans, or by purchase, and endorsement, or guaranty of the bonds, obligations or securities, of such counties, towns or cities, upon such terms as may be agreed upon.

SEC. 5. Be it further enacted, That said corporation shall have power and authority to take and hold money, bonds, mortgages, stocks, and all descriptions of property, on general or special deposit, and in

trust, and as security, and in payment of debts, due and to become due to said corporation, to make and negotiate loans upon property of all descriptions, and to take mortgages to secure such loans, or stocks, bonds or other securities, in payment of said loans, or as collateral security therefor; and when any loans are made or negotiated for others, said corporation shall have the power and authority to charge and collect from the parties for whom such loans may be made or negotiated, for its services, such compensation as may be agreed upon, and in the absence of an agreement, such compensation as may be reasonable.

SEC. 6. Be it further enacted, That the capital stock of said corporation shall be three million dollars, with the privilege of increasing same from time to time, to any amount not exceeding ten million dollars. The capital stock shall be divided m shares, each of the par value of one hundred dollars. Said R. B. Snodgrass, A. B. Holt and W. B. Davidson, or any two of them, are authorized and empowered to open books of subscription in the city of Montgomery, upon such notice of the time and place as they may deem proper, for subscriptions to said capital stock, payable in money, labor, services or property ; the books of subscription to show how each subscription is payable. When subscriptions of not less than five hundred thousand dollars in the aggregate shall have been received or made, said R. B. Snodgrass, A. B. Holt and W. B. Davidson, or any two of them, may call the subscribers together, and the said subscribers or the subscribers to a. majority of the shares of said capital stock, which may then be subscribed, may organize themselves into a meeting of stockholders of said corporation. The meeting of stockholders so organized shall proceed to the election of a board of directors, to consist of not less than five, nor more than thirteen stockholders, to serve until the regular, annual meeting, and until their successors are elected and qualified. The board of directors so elected shall have and are vested with all powers that are delegated by this act, to any subsequent board of directors. Said meeting of stockholders may adopt such rules, regulations and by-laws for the corporation as they may deem proper, but not inconsistent

Capital stock.

Stockholders, boards of directors.

with the laws of this State, or of the United States, and prescribe how they may from time to time be altered, amended or repealed, and may transact any other corporate business.

SEC. 7. Be it further enacted, That said meeting of stockholders may decide, by resolution, where the principal place of business of the corporation shall be, but such place must be in Alabama, and until such decision, it must be in the city of Montgomery. Said meeting of stockholders may, by resolution, change the name of the corporation to any other corporate name without prejudice to any of its powers, rights, privileges, immunities or franchises, granted by this act, and subject to all of its obligations there under; but such change of name shall not take effect until after a copy of the said resolution, duly certified by the chairman and secretary of said meeting, shall have been filed in the office of the secretary of State.

Place of business.

SEC. 8. Be it further enacted. That the officers of the corporation, besides such attorneys, agents and employees as may, from time to time, be deemed necessary for the proper transaction of its business, shall consist of a president, one or more vice-presidents, a secretary and a treasurer, or in the discretion of the board of directors, the president, a vice-president or the secretary may also be elected treasurer. These officers shall be elected by the board of directors, as early as practicable after their own election by the stockholders to serve' until the next annual meeting and until their successors are elected and qualified. The president and vice-president shall be elected from among the directors ; all the other officers, attorneys, agents and employees may be elected or appointed from the directors, the stockholders, or from other persons. The board of directors shall consist of not less than five nor more than thirteen stockholders. They shall be elected at the regular annual meetings of the stockholders to serve until the next regular annual meeting, and until their successors are elected and quailfied. Vacancies in the board of directors may be filled by the remaining directors or by any meeting of stockholders, unless otherwise provided in the by-laws. The board of directors shall prescribe the duties and fix the compensation of all officers, attorneys, agents and employees, and may require bonds to be executed by all or

Officers and their duties.

any of them in such amounts and with such conditions as the board may deem proper; at all meetings of stockholders, each stockholder shall be entitled to as many votes as he has shares of stock. He may be represented in person or by some other stockholder, holding a written proxy, but not otherwise. No stockholder shall be personally or individually liable for any of the debts or obligations of the corporation beyond the amount that may be due by him to the corporation on stock subscribed by him. The regular annual meeting of stockholders shall be held on the third Wednesday in April of each year, and special meetings at the pleasure of the president or acting president, or whenever lie may be requested in writing by not less than five stockholders who represent one-fifth in value of the stock, or whenever requested by the board of directors, of which meetings such notice shall be given as may lie prescribed by the by-laws. The board of directors shall meet regularly on the third Wednesday in January, April, July and October, and shall hold special meetings at their pleasure, or at the pleasure of the president or acting president, and he shall call special meetings of the board of directors whenever requested by three directors in writing. There shall be an executive committee composed of the president and two directors, and who shall serve until their successors are elected. The executive committee or u majority of them shall meet at such times and places as they may deem proper, and shall have when the board is not in session all the powers of the board of directors, except that their action shall be subject to the approval of the board of directors. But no action of the executive committee shall be annulled so as to interfere, with vested rights, or to impair contracts made by them, and acted upon wholly or in part. The directors may at any .regular or special meeting provide for the disposition or investment of any funds or property on hand belonging to the company and for making of all contracts and arrangements for carrying into effect the powers of the company, under its charter, but no dividends shall be declared or paid to stockholders except out of earnings, or funds or assets, over and above all debts or liabilities of the company, due or contracted for, and which will mature in twelve months from the date of the declaration of the dividend. There shall be kept by the secretary a book in which all

stock certificates and transfers shall be registered; and no transfer of stock shall be effective unless regularly transferred in writing 011 the books so kept, by the owner or by written power of attorney, and upon surrender of the old certificate of stock.

SEC. 9. Be it further enacted, That in making con-
May purchase tracts for labor and materials in the construction of works,
with stock by this act authorized, or for the purchase of land or other property, said corporation by its directors is hereby ernpowered to stipulate for payment in whole or in part, in its own or in other stocks held by it, or by the issue of shares of its capital stock to the contractors, but in no event shall the aggregate issue of certificates of capital stock exceed, the amount of capital stock hereinbefore authorized.

SEC. 10. Be it further enacted, That said corpora-
tion is authorized in the mode or modes prescribed by
Right of way. law, to condemn lands, through which its toll roads, trarn-ways, or street railroads, will pass for right-of-way, or may acquire such right-of-way, by gift, or purchase, or in payment of subscriptions for stock, in the construction of the same, to cross navigable streams or waters, but in the erection and construction of bridges, trestles or other structures must not impair the navigation of such streams or waters; said corporation is also authorized to use or to cross or to change public roads when necessary in the building, construction or maintenance of its roadways or tracks, but must place the public road, used or crossed or changed in a condition satisfactory to the authorities of the county having control thereof.

SEC. 11. Be it further enacted, That the board of
Subscriptions directors of said corporation shall have power to require
for stock the payment of sums subscribed by stockholders in such manner and at such times as they may deem proper ; and on refusal or neglect on the part of stockholders or any of them to make payment on the requisition of the board of directors, the shares of such delinquent may after thirty days notice be sold at public auction under such rules as the board of directors may adopt. The surplus money, if any remains after deducting the payments due, with the interest and necessary costs of sale, to be paid to such delinquent stockholders.

SEC. 12. Be it further enacted, That said corporation
Branch offices. may establish branch offices or agencies throughout the State and in other States and in foreign countries.

SEC. 13. Be it further enacted. That said corporation shall have power and authority to borrow money, to issue bonds from time to time, for the payment of money borrowed, or for any indebtedness due or to fall due, and secure the payment thereof, by mortgage or by deeds of trust, conveying its property and franchises, or any portion or portions thereof; to receive shares of its own capital stock or of stock of other corporations of this or other States in payment for lands or other property, or for indebtedness due or to fall due, or as a gift, devise, or otherwise, and sell, pledge, or otherwise dispose thereof. Approved February 27, 1889.

May borrow money issue bonds, etc.

No. 381.] AN ACT [s. 401

An act to fix the pay of the superintendent of education of the county of Perry.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act the superintendent of education of Perry county shall receive for his official services in discharge of the duties of said office, four per centum on the amount of money disbursed by him as such superintendent, to be paid out of the school fund apportioned to said county, in lieu of all compensation now allowed him by law. Approved February 26, 1889.

County superintendent of education.

No. 382.] AN ACT [s. 269

To incorporate an educational institute in the city of Demopolis, Alabama, under the name and style of the Marengo Military Academy.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an educational institute be, and the same is hereby established and incorporated in the city of Demopolis, State of Alabama, to be conducted under the name and style of the Marengo Military Academy.

Military academy.

SEC. 2. Be it further enacted, That D. F. Prout, J. L. Bailey, E. P. Allen, Geo. W. Taylor, Geo. J. Michael, M. Mayer and M. Ely, and their successors,
Corporators. are hereby declared, created and established a body corporate under the name and style of the Marengo Military Academy, and by that name shall have perpetual succession, with power and capacity to sue and be sued, to contract and be contracted with, to buy,
Powers. sell, have and hold property, both personal and real, to receive and hold donations and bequests, and to do and perform all acts that bodies corporate may do and perform which may be expedient or necessary for the maintenance and prosperity of said institute, and they may adopt and use a common seal, and change and alter the same at pleasure.

SEC. 3. Be if further enacted. That said body corporate, or a majority of the members, shall have power to adopt such rules, regulations and by laws not inconsistent with the constitution and laws of the State of Alabama as they may deem advisable for the management and government of said institute, to elect such officers as they may see proper, and to elect their own successors, and fill all vacancies among its members by resignation or other cause.

SEC. 4. Be it further enacted, That said body corporate, or a majority of its members, shall have power to employ, or elect, annually or otherwise, the teacher or teachers of said institute, and such other instructors or officers as may be required; to regulate the salaries of teachers and other officers, and to fix the rates of tuition and fees; to confer such academic and honorary degrees as are usually conferred by institutions of similar character.

SEC. 5. Be it further enacted. That said body corporate, or a majority of the members, shall have power to consider and pass upon the qualifications of students, and admit or reject applicants, and expel pupils and students at their discretion ; and they may delegate their power to the teacher or teachers, and other instructors or officers; Provided, that any student may have the right of appeal to the board, in case of rejection or expulsion by the teacher or other instructors or officers.

SEC. 6. Be it further enacted. That said body cor-

porate is hereby authorized and empowered to receive from the city of Demopolis, by deed or other conveyance, all or any part of the funds and property realized by the mayor and common council of "The City of Demopolis" under and by virtue of an act entitled an act to authorize the mayor and council of the city of Demopolis, to issue bonds of said city for an amount not exceeding eight thousand dollars, bearing interest at a rate not exceeding eight per cent. per annum, for the purpose of purchasing school lots, erecting thereon suitable school buildings and furnishing the same, approved December 12, 1888; and the said city of Demopolis is hereby authorized and empowered to donate, cp-ant and convey all or any part of said funds and property to the said Marengo Military Academy, upon such terms and stipulations as the mayor and council of said city of Demopolis may prescribe, and the said Marengo Military Academy may see fit to accept. Approved February 26, 1889.

No. 383.] AN ACT [s. 348

To confirm the incorporation and organization of the Sheffield Land, Iron, and Coal Company of Alabama, and to amend the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the Sheffield Land, Iron, and Coal Company of Alabama, heretofore had under the general incorporation laws of the State, and by and under proceedings had in the probate court of the county of Colbert, be and the same are in all things confirmed. Corporation confirmed.

SEC. 2. Be it further enacted, That said corporation shall have all the rights, powers, franchises, privileges and immunities by the general laws of the State conferred upon private corporations organized for mining, manufacturing or other industrial business, and all general laws applicable to such private corporations shall be and are hereby made applicable to said corporation, except as herein may be otherwise provided. Rights, powers, etc.

SEC. 3. Be it further enacted, That in addition to the rights, powers and franchises, now owned and possessed by said company, and which are set forth in said declaration, it is hereby authorized to make donations of its lands or other property or effects, or to lend the same or its credit, by endorsement or otherwise, to individuals, firms, associations, or other corporations, for the construction of railroads, leading to or from the city of Sheffield, or its vicinity; to aid in erecting and operating bridges, ferries, furnaces, mills, factories, work shops, foundries or other industrial enterprises in said city of Sheffield or its vicinity; to aid in the establishment of any business or enterprises of any character, which in the opinion of the directors of said company, may be to the interest of said company or that would promote the growth and development of the city of Sheffield, or in anywise inure to the benefit of said Sheffield Land, Iron and Coal Company of Alabama; to assist the corporate authorities of the city of Sheffield in any and all works and improvements of a public or municipal character by donation, subscription, loan or purchase, or by endorsement or guarantee of any of said city's bonds, obligations or securities; to become a stockholder in any and all corporations organized for the carrying on in said city or vicinity of any manufacturing or industrial enterprise, or business, of any bank, savings bank or banking company, insurance company, trust company or guaranty company, or any other character of company, which is now organized, or may hereafter be organized, whose principal place of business shall be in the city of Sheffield or its vicinity, whether incorporated under the general laws of the State, or by act of the legislature, and in all railroad companies that will build or extend their lines to or from Sheffield or its vicinity; to construct in said city of Shffield or its vicinity, for a distance of ten miles from the present corporate boundaries of said city, tramways, street railroads, turnpikes, or other roads, and to operate the same; to construct or to aid in the construction thereof, by donations, by subscription, loan or otherwise, and to charge reasonable fare, toll or freight for the use thereof, and to establish and endow or aid in the establishment and endowment of universities, colleges, schools,

polytechnic institutions and industrial schools and colleges, religious institutions, hospitals, asylums or other charitable institutions.

Approved February 28, 1889.

No. 384.] AN ACT [s. 339

To fix the time and place of holding the chancery courts of Cleburne and Cherokee counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the spring term of the chancery court of Cleburne county, shall be held at Edwardsville, on the 4th Monday in April, and the fall term on the 4th Monday in October of each year, and may continue three days at each term. Times of holding chancery court.

SEC. 2. Be it further enacted. That the spring term of the chancery court of Cherokee county, shall be held at Centre, on the 1st Monday in May, and the fall term on the 1st Monday in November of each year, and may continue three days.

Approved February 26, 1889.

No. 385.] AN ACT [s. 411

To make the clerk of the circuit court of Escambia county, ex-officio clerk of the county court of said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the clerk of the circuit court of Escambia county, be and he is hereby authorized and required to act as clerk of the county court of said county. Circuit court to act as clerk of county court.

SEC. 2. Be it further enacted, That the said clerk shall keep a fee book, subpoena and execution dockets, and shall be entitled to the same fees allowed by law, for like services in the circuit court.

Approved February 26, 1889.

No. 386.] AN ACT [s. 186

To revoke and nullify the charter of the town of Collegeton, in Talladega county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the charter establishing and declaring the incorporation of the town of Collegeton, procured before the judge of probate of Talladega county, under the general laws of Alabama, on the 13th day of July, 1888, be and the same is hereby revoked, nullified and held for naught.

Charter revoked.

Approved February 26, 1889.

No. 387.] AN ACT [s. 443

For the relief of Mary Rogers, a minor, of Limestone county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Mary Rogers, a minor, of Limestone county, be and she is hereby relieved from the disabilities of non-age, and is invested with the right to sue and be sued, contract and be contracted with, to buy, sell, and convey real estate, and generally to do and perform all acts which she could lawfully do if twenty-one years of age.

Relief

Approved February 28, 1889.

No. 388.] AN ACT [s. 216

To amend the charter of the Central City Building and Loan Association of Selma, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the charter of the Central City Building and Loan Association of Selma, Alabama, a corporation, heretofore, on the 7th day of May, 1887, created and organized under and by virtue of the general laws of this State, be and the same is hereby amended, so

Additional powers

that in addition to the powers and authority given by law to said corporation, it may, when funds are on hand, lend the same to any party other than a shareholder of the corporation, and on such personal security, and on such terms and conditions as may be prescribed by the by-laws.

Approved February 26, 1889.

No. 389.] AN ACT [s. 246

To incorporate the Jacksonville, Williamsport & Anniston Railway Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Peyton Rowan, Charles D. Martin, William H. Dean, L. W. Grant, S. W. G. Brothers, and their associates, be and they are hereby constituted a body politic and corporate, by the name and style of the Jacksonville, Williamsport & Anniston Railway Company, and by that name, or by such other name as the stockholders at their organization may adopt, are hereby authorized to sue and be sued; to make a common seal, and the-same to break, alter and renew at pleasure; to have and to hold real and personal property for the present and future business of the company, as well as all such other property, real or personal, stocks or shares in any other corporation as said company may otherwise acquire by purchase, gift, devise, or donation for investment or development; to make rules, regulations and by-laws for the management and direction of such corporation not contrary to the constitution and laws of this State, or of the United States; to sell, lease, mine and in any way develop any or all the real estate it may acquire, and generally to have, enjoy, and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the full carrying out of the objects and purposes of this act.

Corporators.

Rights, powers,.etc.

SEC. 2. Be it fur her enacted. That said company is hereby authorized and empowered to survey, locate and construct, alter, maintain and operate a railroad with one or more lines of tracks of rail, from the town

of Jacksonville, Calhoun county, Alabama, to the town of Anniston in said county of Calhoun, Alabama, and from the said town of Jacksonville, Alabama, and the said town of Anniston, the said company shall have the power and right to extend its line or lines of railroad in any direction and to any place within the State of Alabama. It shall also have the right to build branch lines of road from its main track in any direction, and to any place within the State of Alabama, and on such railroad and such branches as it shall contruct, to further the interests thereof, said company is authorized to take, and carry for hire, persons and property by the power and force of steam, animal, or other mechanical power or combination of them ; Provided, that nothing in this act shall be taken or construed to exempt said corporation from regulations of rates and fares, and control by the legislature of this State, or by any instrumentalities that the legislature may deem best to effectually carry out such regulation and control.

May build railroads .

SEC. 3. Be it further enacted. That the said company may also survey, locate, construct and operate its said line or lines of road in and along the streets, avenues, alleys and public grounds in the towns of Jacksonville and Anniston, in said county of Calhoun, and in the territory adjacent to said towns; also to construct, equip, own, enjoy, use and operate street railroads on and along the streets, avenues, alleys and public grounds within the towns of Jacksonville and Anniston, Alabama, and the territory adjacent to said towns; Provided, that said railroad company, before constructing any railroad or street railroads in any street, avenues, alley or public ground in the said towns of Jacksonville and Anniston, where the right to construct the same has not heretofore been granted by the corporate authorities of said towns, shall first obtain the consent of the corporate authorities of said towns to the construction and operation of such railroad or street railroads, and nothing in this act shall be so construed as to impair or abridge the power and authority of the corporate authorities of the said towns over the streets, avenues, alleys and public grounds thereof.

Right of Way.

SEC. 4. Be it further enacted, That said company is authorized to connect with or cross the tracks of other railroads with its main lines, by branches, switches or

crossings whenever it may deem it necessary or proper for it to do so; Provided, that said railroad company, before crossing or connecting with other railroads, must first obtain the consent of said railroads, or proceeding had to condemn the right of way, and said company may build bridges, trestles, depots, side tracks, warehouses and such other structures as may be necessary to the purposes of this act.

SEC. 5. Be it further enacted. That for the purpose of constructing said railroad and its branches, not in any incorporated town or city, the said company is hereby authorized to lay out the same not exceeding one hundred feet wide, and may acquire the right of way for such railroads and branches, by purchase from the owner, or by proceedings of ad quod damnum, as provided by the law of this State; in such cases just compensation to the owner shall be first paid in all cases where the right of way is acquired by proceedings of ad quod damnum, as required by the constitution; but said company may previously enter upon any land for the purpose of surveying, locating and laying out its railroad and branches, and said company may acquire by gift, grant or purchase, real estate, and erect such structure thereon as may be necessary or convenient for its business, and may sell or lease any such real estate not acquired for its business.

SEC. 6. Be it further enacted. That said company may, in lieu of constructing any portion of its line or branches, purchase or acquire by lease for a term of not exceeding twenty years, the right of way, road-bed, or track of any other railroad, or any portion of such other railroad, or said company may make common stock, or any other lawful contract, whereby it may sell or lease, as aforesaid, to such other company any or all of its said railroad or branches and the franchises thereof.

SEC. 7. Be it further enacted, That whenever the said company deem it necessary or proper, or to its interest to do so, in securing a suitable and convenient location, the said railroad may cross or build along the right of way of any other railroad, a consecutive distance of not exceeding ten miles in any case, and said railroad or branches may be built across or on and along any of the highways or public roads of the county, or across or along the streets, avenues or alleys of any incorporated town or city through which said road or its branches may pass; Pro-

vided, that the said highways, roads and streets shall, after the construction of said railroad thereon or thereover, be restored to as good condition as practicable; And provided further, that the consent of the incorporated towns and cities shall be first had and obtained to the use of the streets, avenues or alleys for such right of way before the same shall be used and occupied.

SEC. 8. Be it further enacted. That, the capital stock of said company shall be two hundred and fifty thousand
Capital stock. dollars ($250,000), divided into two thousand five hundred shares of our hundred dollars each, with the privilege of increasing said capital stock to one million dollars whenever, in the judgment of the stockholders, it may be necessary or desirable. Said capital stock shall be deemed personal property, and may be transferred in such manner and in such places as the by-laws of said company shall direct.

SEC. 9. Be it further enacted. That the corporate
Directors. powers of said company shall be vested in a board of directors of not less than five nor more than eleven, to be elected as hereinafter provided, and such other officers and agents as said directors shall appoint or authorize.

SEC. 10. Be it further enacted, That subscriptions to
Stock ; how payable. the capital stock of this company shall be taken, payable in money, or its equivalent in labor or property, or the stock of other companies.

SEC. 11. Be it further enacted, That when twenty thousand dollars shall have been subscribed to the capital stock of said company by bona fide subscribers, the board
Organization. of corporators shall call the subscribers together by notice given in such manner as they may direct, for the purpose of organization, and the majority of the stock so subscribed being present, either in person or by proxy, they shall proceed to the organization of the company, by the election from among the stockholders themselves, by a majority of the stock represented, not less than five nor more than eleven directors to manage the affairs and business of the company, for the ensuing year, or until their successors are elected and duly qualified, said successors to be elected in a similar manner. The directors then elected, shall elect from their number a president, who shall also be president and executive officer of said company, and such person or persons as they may see fit, for secretary and treasury to serve for such a period and under such condition as the by-laws may direct.

SEC. 12. Be it further enacted. That upon the organization of the company, the board of incorporators shall turn over to the board of directors all money or other property received by them on subscription, together with all bonds, lists, notes, obligations, papers and records taken and made by them in the organization of the company, and henceforth all such books, papers, lists, notes, obligations, records, money, and property shall be the property of the company, and all obligations incurred shall be as binding on the company as if taken and made by themselves. Said board of directors shall also have power to require to be paid the sums subscribed by stockholders, in such manner and at such times as it may deem proper, and on the refusal or neglect on the part of any stockholder to pay such installment, the shares of such delinquent may be sold at public auction under such rules and upon such notice as the directors may previously prescribe, the surplus, if any from the proceeds of sale, after the payment of the balance due for such shares, shall be paid to such stockholders, but nothing herein contained shall prevent said company from collecting by proper proceedings at law the amount due on any subscription.

Assists ; collection of subscriptions, etc.

SEC. 13. Be it further enacted, That said company may borrow money for the purpose of carrying out the objects of this charter, and may make notes, bonds or other evidences of debt, and by a vote of a majority of its stockholders, had at a meeting called for the purpose in such manner as the board of directors may see proper, may secure the payments of notes, bonds or other evidences of debt, by a mortgage or deed of trust on its franchises and any or all of its property, both real and personal.

May borrow money, etc.

SEC. 14. Be it further enacted. That said company may construct and operate a telegraph line or lines in. and along and upon any and all portions of its right of way, of its main line or brandies, both for its own use and for doing a public telegraph business, but said company shall not be compelled to do a telegraph business on its said line, or at any particular station thereon, unless it so desire.

Telegraph

SEC. 15. Be it further enacted. That said company may own parks, lakes, resorts, places of amusement, or for exercise or recreation, hotels, restaurants and other grounds and buildings of like character, and may con-

Places of amusement.

tract or operate the same by its officers and servants or lease out the same to other persons.

SEC. 16. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 26, 1889.

No. 390.] AN ACT [s. 181

To make it lawful to sell, give away, or otherwise dispose of spirituous, vinous and malt liquors, on the property fronting on the north side of Monroe street, in the city of Montgomery, except in the store fronting forty-five feet on said street at the corner of Court street.

Whereas, At the time of the introduction and passage of the bill prohibiting the sale, giving away or otherwise disposing of spirituous, vinous, and malt liquors within one hundred yards of the inclosure of the First Baptist church, in the city of Montgomery, it was not contemplated that it should include and be applicable to the territory hereinafter described; Therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That on and after the passage of this act, it shall be lawful to sell, give away or otherwise dispose of spirituous, vinous and malt liquors on the property fronting on the north side of Monroe street, in the city of Montgomery, except in the store fronting forty-five feet on said street, at the corner of Court street.

Selling liquor.

Approved February 28, 1889.

No. 391.] AN ACT [H. B. 500

To create the office of county solicitor for the county of Hale, to provide for the appointment of such county solicitor, and to prescribe his powers and duties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the office of county solicitor for the county of Hale, is hereby created.

SEC. 2. Be it further enacted, That the term of office of such county solicitor shall be four years; he shall be a citizen of said comity of Hale, and shall be appointed by the solicitor of the fourth judicial circuit. County solicitor ; duties of, etc.

SEC. 3. Be it further enacted. That it shall be the duty of such county solicitor to attend each term of the county court of Hale county, and to prosecute all criminal accusations pending in said court, whether such accusations be preferred by indictment or otherwise. It shall also be the duty of such solicitor to act in all cases of habeas corpus.

SEC. 4. Be it further enacted. That before entering upon the duties of said office, such solicitor shall take and file in the office of the judge of probate of said county, the oath of office prescribed by the constitution and laws of Alabama, for circuit solicitors.

SEC. 5. Be it further enacted, That such county solicitor shall receive for such services five hundred dollars per annum out of the fees assessed in said county court and paid into the county treasury, but in no case shall he receive more than the fees so assessed and collected.

SEC. 6. Be it further enacted. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

SEC. 7. Be it further enacted, Tliat this shall go into effect immediately from and after its passage.

No. 392.] AN ACT [H. B. 389

To repeal section 13 of an act entitled an act to incorporate the town of Eunola, in Geneva county, Alabama, approved February 17th, 1885.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 13 of an act entitled an act to incorporate the town of Eunola, in Geneva county, Alabama, approved February 17th, 1885, be and the same is hereby repealed. Section of charter repealed.

Approved February 26, 1889.

No. 393.] AN ACT [H. B. 782

To amend an act entitled an act to incorporate the town of Town Creek, in Lawrence county, Alabama, approved March 8th, 1875.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section six of an act entitled an act to incorporate the town of Town Creek, in Lawrence county, Alabama, approved March 8th, 1875, be amended so as to read as follows, to-wit: That said corporation shall have power to levy on all property, real or personal, within the limits of said corporation, such taxes as may be necessary to defray the expense of said corporation, not exceeding one-fifth of one per cent. of the assessed value of said property, and to collect and enforce the same according to the provisions of this act.

Power to levy taxes.

Approved February 26, 1889.

No. 394.] AN ACT [H. B. 757

To repeal an act entitled an act to authorize the court of county commissioners of Elmore county, to erect a bridge across the Coosa river at Wetumpka, and to issue bonds to pay for the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to authorize the court of county commissioners of Elmore county to erect a bridge across the Coosa river at Wetumpka, and to issue bonds to pay for the same, approved February 28th, 1887, be and the same is hereby repealed.

Bridge act repealed.

Approved February 26, 1889.

No. 395.] AN ACT [H. B. 697

For the relief of S. H. and W. S. Askew, of the county of Marengo.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county treasurer of the county of Marengo, State of Alabama, be and he is hereby directed to pay out of any money in the fine and forfeiture fund of said county, to Samuel H. Askew and Warren S. Askew, the sum of one hundred and fifty dollars, which said sum was paid into the fine and forfeiture fund of said county by 8. H. and W. S. Askew, on the forfeited bale bond of Wash Kirksey, who has, since said forfeiture and payment been arrested by the securities, tried and convicted of the offense with which he was charged.

Relief.

Approved February 26, 1889.

No. 396.] AN ACT [H. B. 619

For the relief of W. A. Stephens, sheriff of Cleburne county.

Whereas, on the 24th day of December, 1886, W. A. Stephens, sheriff of Cleburne county, removed Thomas Martin from the jail of Shelby county to the county jail of Cleburne county, in which county he was triable, at an expense of $26.56; And whereas, said Stephens, A sheriff as aforesaid, on the 24th day of December, 1886, removed one Levi Pruitt from the jail of Etowah county to the jail of Cleburne county, in which county he was triable, at an expense of $18.15 ; And whereas, these removals were made without order of the judge of the seventh judicial circuit; such judge, however, giving his order in each case subsequent to such removal ; And whereas, the sheriff duly presented his accounts for such removals, in due form, to the auditor, which accounts were rejected because the order of the judge had not antedated the removal; Therefore,

Auditor to draw warrant for W. A. Stephens.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the auditor is hereby authorized and

required to draw his warrant on the State treasurer in favor of W. A. Stephens, for the sum of $44.71, covering the amount of the sum expended by said Stephens in the removal of the prisoners above named, and the treasurer is hereby required to pay such warrant out of any moneys in the treasury not otherwise appropriated.

Approved February 26, 1889.

No. 397.] AN ACT [H. B. 832

To ratify and confirm and legalize the acts and orders of the commissioners court of Barbour county, in establishing districts in which stock shall be prohibited from running at large.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the acts and orders heretofore done and made by the commissioners court of Barbour county, creating districts in which stock shall be prohibited from running at large in said county, be and the same are hereby ratified, confirmed, legalized and given full force and effect in every particular.

Acts of commissioners ratified.

Approved February 26, 1889.

No. 398.] AN ACT [H. B. 695

To grant to the Dayton and Faunsdale Railroad Company the right of way through section sixteen (16), in township seventeen (17), range five (5), east in Marengo county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a right of way one hundred feet wide be, and the same is hereby granted to the Dayton and Faunsdale Railroad Company, through section sixteen (16), in township seventeen (17), range five (5), east in Marengo county, along the existing line of the survey of the route of said road through said section.

Right of way.

Approved February 28, 1889.

No. 399.] AN ACT [H .B. 398

To repeal the incorporation of the town of Blount Springs, in Blount county, incorporated under the general laws of the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the town of Blount Springs, in Blount county, incorporated under the general laws of the State, be and the same is hereby repealed. Charter repealed.

Approved February 27, 1889.

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No. 400]. AN ACT [H. B. 731

For conducting Farmers' Institutes in the State of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That for the purpose of diffusing among the farmers of the State useful and practical knowledge related to agriculture, the commissioner of agriculture is authorized and directed to adopt, annually, such measures as may be necessary to successfully, conduct, in different sections of the State, Farmers' Institutes. Farmers' institutes.

SEC. 2. Be it further enacted, That said Farmers' Institutes shall consist of lectures on subjects related to agriculture, by persons of scientific attainments, and by practical and successful farmers, with discussions relating thereto ; and of such exhibitions as may be instructive and of practical value to the farmers of the vicinity where said institutes are held. To consist of

SEC. 3. Be it further enacted, That the commissioner of agriculture is authorized, having due reference to economy, to pay the necessary expenses incurred in conducting said Farmers' Institutes, including the expense of employing lecturers when necessary, and for distributing the reports thereof. Expenses.

SEC. 4. Be it further enacted, That for the purposes named in this act there is hereby appropriated, out of the funds annually collected from the sale of tags for fertilizers, not already otherwise appropriated, the Appropriation

sum of three thousand dollars, or so much thereof as may be necessary; it being provided that the commissioner of agriculture shall draw from the State treasurer, on warrants approved by the governor, the funds herein appropriated, as they may be needed, to accomplish the purposes of this act.

Commissioner's report

SEC. 5. Be it further enacted. That the annual report of the commissioner of agriculture to the legislature shall contain a report of the institutes held, with a detailed statement of the manner in which the money herein appropriated has been expended.

Approved February 28,1889.

No. 401.] AN ACT [H. B. 49

To appropriate five thousand dollars to aid in the erection of a monument to the Alabama soldiers who fell in the late war between the States.

Appropriations for monument

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of five thousand dollars be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to be used exclusively in aiding the erection of a monument now in progress of being built by the Alabama Soldiers' Monument Association and the Ladies' Memorial Association of Alabama, upon the capitol grounds in the city of Montgomery, to the memory of Alabama soldiers who fell in the great civil war between the Northern and Southern States of the American Union, which commenced in the year 1861, and ended in the year 1865.

How to be paid

SEC. 2. Be it further enacted. That the money hereby appropriated shall be paid out of the treasury only upon warrants drawn by the governor of Alabama upon certificate of the president of the said Ladies' Memorial Association of Alabama, and then only in payment of material actually purchased and used in tlie erection of said monument, or for services actually eudered in the erection of said monument, and not for any other purpose whatsoever.

SEC. 3 Be it further enacted. That before drawing

his warrant for any portion of the sum hereby appropriated, it shall be the duty of the governor to fully investigate and carefully see that the materials for the payment of which such warrant is requested to be drawn by said association or said Ladies Memorial Association of Alabama, or its trustees, have been purchased in good faith and actually used in the erection of said monument, or that the services to be paid for have been actually rendered in the erection of said monument, and not for any other purpose whatsoever, and the governor shall keep a record of all such payments and report the same to the general assembly ; Provided, that none of the money hereby appropriated shall be used for the payment of material used up to date of the passage of this act, or for the payment of services done prior to the passage of this act. Duties of governor.

Approved February 28, 1889.

No. 402.] AN ACT [H. B. 806

To establish a district in Limestone county in which it shall be unlawful to permit hogs to run at large.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for hogs to run at large between the first days of April and December in each year within the limits of the following district in Limestone county, described as follows, to-wit: The northeast part of township 4, range 3 west, commencing on the county line between Madison and Limestone counties at a point where the Huntsville and Brown's ferry road crosses said line, running along the said Brown's ferry and Huntsville road west to the intersection of the said road with the Greenbriar road, thence south with said Greeubriar road to the Beaver dam spring, thence south with the east bank of Beaver dam creek to the Memphis & Charleston railroad, thence east with the centre of the track of the Memphis & Charleston railroad to the county line, thence north along said county line to the place of commencement. To prevent hogs from running at large.

SEC. 2. Be it further enacted, That any person per-

mitting his or her hogs to run at large in the time beforementioned, shall upon conviction be deemed guilty of a misdemeanor, and shall be fined not more than three dollars for each hog found trespassing within the above described district, for the payment of which a lien upon the hogs is hereby created, and they may be sold under execution issued by the magistrate trying the case; Provided, that no action under this act shall lie against any person residing outside of this district and whose hogs may trespass within this district unless he or his agent may have had twenty-four hours notice of such trespass and fails to take them out of the limits of the same within that time; And provided further, that magistrates of Greenbriar and adjoining beats in Limestone county, may have exclusive jurisdiction of cases arising under this act.

Misdemeanor and penalty.

SEC. 3. B it further enacted. That all laws and parts of laws in conflict witli this act be and are hereby repealed, in so far as such conflict may exist.

Approved February 26, 1889.

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No. 403.] AN ACT [H. B. 519

To amend section 4 of an act entitled an act to divide the State of Alabama into four chancery divisions, approved February 28,1887, as to the 14th and 15th districts of the northwestern chancery division.

SECTION 1. Be it enacted by the General Assembly of Alabama, That so much of section 4 of an act entitled an act to divide the State of Alabama into four chancery divisions, approved February 28, 1887, as relates to the 14th and 15th districts of the northwestern chancery division, be amended so as to read as follows :

Time of holding chancery courts.

Fourteenth District.—In the fourteenth district, composed of the counties of Walker and Winston, at the court house of Walker county, at Jasper, on Thursday after the eighth Monday after the fourth Monday in February and August, and may continue three days.

Fifteenth District.—In the fifteenth district, composed of the county of Cullmau, at the court house of Cullman county at Cullman, on the ninth Monday after

the fourth Monday in February and August, and may continue three days.

All laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 26, 1889.

No. 404.] AN ACT [H. B. 881

To incorporate the Tennessee River and Birmingham Railroad Company, to further the construction of said road and to authorize it to acquire such roads as are on or along its route.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Alfred Parrish, Dilwin Parrish, J. V. S. Church, P. Campbell, R. T. Simpson, Geo. P. Jones, and R. T. Simpson, Jr., and their associates, be and they are hereby constituted a body politic and corporate, by the name of the " Tennessee River and Birmingham Railroad Company," and by that name or by such other name as the stockholders after their organization may adopt, are hereby authorized to sue and be sued, to make a common seal and the same to break, alter and renew at pleasure, to have and to hold real and personal property, for the present and future business purposes of such company, as well as such other property as said company may acquire by gift, devise, donation or purchase, and to improve, develop, encumber and convey the same ; to make rules, regulations and by-laws for the management and direction of such corporation, not contrary to the laws of this State, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary or proper for the full carrying out of the objects and purposes of this act.

Corporation.

Name.

Powers.

SEC. 2. Be it further enacted, That said company is hereby authorized and empowered to survey, locate and construct, alter, maintain and operate a railroad with one or more lines of tracks of rails, from the city of Birmingham to Jasper, in Walker county; thence to Sheffield, in Colbert county, and thence northwardly to such point in Lauderdale county, on the line be-

tween Tennessee and Alabama, as may be selected, with branches from the same, on such route or routes as may be found best. On said railroad and branches said company is authorized to take and carry for hire, persons and property, by the power and force of steam, animal, or other power, or any combination thereof; Provided, that nothing in this act shall be taken or construed to exempt said corporation from regulation of rates and fares and control by the legislature of this State, or by any instrumentalities that the legislature may deem best to effectually carry out such regulation and control.

SEC 3. Be it further enacted, That for the purpose of constructing said railroad and branches, said company is hereby authorize to lay out the same, not exceeding one hundred feet wide, and for the purpose of depots, machine shops, ware houses, engine houses, water stations, car sheds, chutes, eating houses, car or depot yards, wharves, piers, docks or other structures necessary or convenient for the business of the company, and for the purpose of cuttings, embankments, and for switches, connecting tracks and turnouts, and for obtaining earth, stone, gravel, timber, or other materials, or for the purpose of protecting its structures, may take such land as the necessities of such company may, from time to time require, for the use and protection of said railroad and structures; Provided, that for the purpose of acquiring such land, proceedings shall be had in conformity with article 2, chapter 15, title 2, part 3, of the Code of Alabama.

SEC. 4. Be it further enacted, That said company may, in lieu of constructing any portion of its line or branches, purchase or acquire by lease, any other rail-

May purchase other roads, etc

road, or any portion thereof, whose line maybe located in whole or in part along the line of its proposed railroad or branches, or said company may, for the purpose of making through lines, make common stock or any other lawful contract whereby it may sell or lease to such other company, any or all of its said railroad or branches, and the franchises thereof, and such other road, roads or corporations as it may select are hereby likewise empowered so to contract with it; and this company is hereby specially authorized and empowered to contract for and to acquire by the means

hereinbefore set forth, or in any other lawful way, the property, rights, and franchises of the Sheffield and Birmingham Railroad, now in operation, and to that end, it is authorized to contract with the Sheffield and Birmingham Coal, Iron, and Railway Company, the Sheffield and Birmingham Construction Company, (a corporation organized under the laws of New Jersey), the Sheffield and Birmingham Railroad Company, and other corporation or company, either dejure or de facto, having or claiming any interest in said railroad, its franchises, stock, bonds or obligations, and such corporations, companies, organizations or associations are hereby endowed with power so to contract with this company, and whenever, by purchase, contract or judicial decision, this company shall acquire the rights claimed by the said Sheffield and Birmingham Coal, Iron and Railway Company, and the Sheffield and Birmingham Construction Company, in the property, rights, franchises and stock of said Sheffield and Birmingham Railroad Company, it shall become legally seized and possessed of the same, and shall issue the stock of said company to the amount of the original stock of said Sheffield and Birmingham Railroad Company; Provided, that nothing in this act shall in any manner impair the rights of persons or corporations holding bonds of or mortgages or deeds of trust on the property and franchises of said Sheffield and Birmingham Railroad Company. But their rights and remedies are hereby specially preserved. And tills company, acquiring said railroad hereunder, shall specially assume the same, and it is hereby specially authorized and empowered to purchase under any sale at the instance of said bondholders under said deeds of trust or mortgage.

SEC. 5. Be it further enacted, That there is hereby granted to said company a right of way over any of the lands of the State on its line. Right of way.

SEC. 6. Be it further enacted, That said railroad company may build across, on or along any of the highways or public roads of this State, or the streets of any incorporated town or city in this State, upon compliance with the general statutory provisions on said subjects, and also on or across the right of way of any railroad in this State, and it may also cross any navigable stream on its route; Provided, that in constructing a bridge across the same,

there shall be placed therein a draw bridge giving a clear passage of at least fifty feet.

SEC 7. Be it further enacted, That the capital stock of said company shall be two million eight hundred thousand dollars, which may be increased, after one hundred miles of said railroad have been constructed or purchased, by proceedings in accordance with the general statutes of Alabama, to an amount not exceeding twenty-five thousand dollars per mile for each additional mile constructed. But said company may commence operations whenever so much as one hundred thousand dollars of said capital stock shall be subscribed bona fide in money, labor or property. The capital stock shall be divided into shares of one hundred dollars each par value.

Capital stock.

SEC. 8. Be it further enacted, That the corporate powers of said company shall be vested in a board of directors of not less than three nor more than nine, who shall be elected by the stockholders, to hold office for twelve months and until their successors are elected and qualified. A majority of said board of directors shall be a quorum for the transaction of business. They shall elect annually ene of their members president, who shall be the executive officer of the company, and a secretary and treasurer, who shall give bond as may be required by said board.

Directors.

SEC. 9. Belt further enacted, That the stockholders of this company shall meet annually for the election of a board of directors and the transaction of such other business as may be brought before them, and may hold special meetings at such times and upon such notice and calls as the by-laws of said company may provide.

Stockholders.

SEC. 10. Be it further enacted, That two per cent. of all subscriptions to the capital stock of this company shall be paid in money at the time of subscription.

SEC. 11. Be it further enacted, That the corporators herein mentioned, or a majority of them, shall, as soon after the passage of this act as practicable, open books of subscription to the capital stock of said company in the city of Sheffield, Alabama, and as soon as one hundred thousand dollars of said capital stock shall be subscribed, shall call said subscribers together, by personal notice to each one, for the purpose of organization, and a majority of the stock so subscribed being present in person or by

Organization.

proxy, they shall proceed to organization in accordance with the provisions of this act.

SEC. 12. Be it further enacted, Tliat upon the organization of this company, the board of corporators shall turn over to the board of directors all money received by them on subscriptions, and all bonds, lists, notes, obligations or other papers taken and made by them in the organization of said company, and the same shall henceforth recoverable and enforcible in the name of said company.

SEC. 13. Be it further enacted, That said company shall have power to borrow money and secure the same, to consolidate with other railroad corporations and to increase its bonded indebtedness and capital stock, upon complying with the general provisions of the statutes of Alabama on said subjects.

SEC. 14. Be it further enacted, That until otherwise provided by law, the principal place of business of this company shall be Sheffield, Alabama.

Approved February 26, 1889.

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No. 405.] AN ACT [H. B. 604

To amend section six (6) of an act entitled an act to authorize the commissioners' court, or court or board of county revenues of the counties of Marengo, Sumter, Montgomery, Hale, Dallas, Autauga, Wilcox, Lowndes, Russell, Monroe, Lawrence and Perry, to establish or abolish districts in which stock may be prevented from running at large.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section six (6) of an act entitled an act to authorize the commissioners court, or court or board of county revenues of the counties of Marengo, Sumter, Montgomery, Male, Dallas, Autauga, Wilcox, Lowndes, Russell, Monroe, Lawrence and Perry, to establish or abolish districts in which stock may be prevented from running at large, approved February 28,1881, be amended so as to read as follows:

SEC. 6. Be it further enacted, That the owner or manager of any stock who shall knowingly suffer such

stock to run at large in violation with the provisions of this act, shall be guilty of a misdemeanor, and on conviction, shall be fined not less than three nor more than twenty-five dollars; Provided, that justices of the peace, or notaries public, shall have jurisdiction of the offense under this section; And provided further, that all prosecutions under this section must be commenced in twenty days after the commission of the offense, and that the party injured by such stock shall alone have the right to institute such prosecution; And provided further, that nothing in this act, so far as it pertains to Jones' Bluff beat and Belmont beat, in the county of Sumter, shall prohibit stock from running at large from the first day of December until the first day of March of each succeeding year.

Stock running at large.

Approved February 26, 1889.

No. 406.] AN ACT [H. B. 614

To create a new charter for the city of Florence, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of Florence, in the county of Lauderdale, State of Alabama, shall be and continue a body politic and corporate by the name of Mayor and Aldermen of the City of Florence, and by by such corporate name may sue and be sued, contract and be contracted with, receive and grant, and do all other acts as natural persons, with respect to the powers herein granted; may purchase and otherwise acquire and hold real, personal and mixed property, and dispose of the same for the use and benefit of the city, and may have and use a city seal and the same change and alter at pleasure.

Charter.

SEC. 2. Be it further enacted, That the city of Florence, in the county of Lauderdale, shall include in its corporate limits the lands within the following bounds, namely : Starting at a point on the Tennessee river, where the section lines between sections twenty-one and twenty-two would intersect with said river, thence northwardly along the said section line

Limits.

to a point where the half-mile line running east and west through sections three and four, would intersect, thence east along said half-mile line to a point where it intersects the Nashville, Florence and Sheffield railroad, thence southwardly along the line of said railroad to where it intersects the section line between section two and eleven, thence east along said section line to a point where it would intersect the center line of Jones street, thence southwardly along said line of said street to the north side of Tennessee river, thence westwardly along the line of said river to the point of beginning, all in township three, ranges ten and eleven west.

SEC. 3. Be it further enacted, That the police jurisdiction of the mayor and aldermen of the city of Florence shall extend from the corporate limits on the south to the center of the Tennessee river, and for one mile from the corporate limits in all other directions, and the said mayor and aldermen shall have the same power and authority to ordain and enforce by-laws and ordinances in said police limits for the preservation of peace and good order that they have in the corporate limits. The mayor of the city of Florence shall have the power and jurisdiction in said police limits that he has in the city limits. Police jurisdiction.

SEC. 4. Be it further enacted, That the sale of spirituous, vinous or malt liquors within the said police limits of Florence, mentioned in the preceding section, be and the same is hereby prohibited. Liquor prohibition.

SEC. 5. Be it further enacted, That the government of said city shall consist of, and its corporate authority be exercised by a mayor and five aldermen, who shall be elected as herein provided, by ballot, on the first Tuesday in December, 1889, and biennially thereafter on said first Tuesday in December, by the male inhabitants of said city, having the qualifications of electors as hereinafter defined ; that should the election not take place on the day fixed for the biennial election of mayor and aldermen, the corporation shall not, for that cause, be dissolved, bat the incumbents shall remain until their successors are elected and qualified, and it shall be the duty of the sheriff of the county to fix some day, as early as practicable within one mouth thereafter, of which he shall give at least City government. Elections.

ten days' notice, in some newspaper published in the city, and at three public places therein, by posting up written notices on which day said election shall be held, in all respects as provided for the biennial elections ; and in case of the failure of the sheriff to call or hold said election, the mayor of the town is authorized to fix a day for holding the same, and shall give notice as hereinbefore provided, and on the day so fixed by the mayor, said election may be held, and in the case of failure of both sheriff and mayor, the then incumbents shall hold until the next biennial election, and until their successors are elected and qualified; Provided, that the board of mayor and aldermen may from time to time, as the growing population of said city may require, increase the number of wards in said city, and at the next and succeeding general elections after said increase, there shall be elected one additional alderman for each additional ward.

SEC. 6. Be it further enacted, That the present board of mayor and aldermen of the town of Florence shall govern said city, and exercise all its corporate authority according to the provisions of this act, until the biennial election on the first Tuesday in December, 1889, and until their successors are elected and qualified.

SEC. 7. Be it further enacted, That the persons entitled to vote at elections held under this act shall be males of the age of twenty-one years, and shall be

Legal voters.

citizens of the United States, or shall have legally declared their intention to become such, and shall have resided iu the State for twelve months, in the city for six months, and in the ward for thirty days next preceding the election at which they propose to vote, and shall have complied with the registration laws as herein provided; Provided, however, that no person who has been convicted of any of the offenses named in section 3, of article 8, of the constitution of the State of Alabama, and no idiot or insane person shall be allowed to vote at any election held under this act; that all elections shall be conducted according to the laws governing elections for officers under the general election laws of this State, except as otherwise specially declared in this act.

SEC. 8. Be it further enacted, That no person shall be eligible to the office of mayor or aldermen of said city, who is not a qualified voter thereof.

SEC. 9. Be it further enacted, That the board of mayor and aldermen, shall as soon as practicable, after the passage of this act, lay off the city into wards, and number the same, and at the election to be held on the 1st Tuesday in December, 1889, and at each election thereafter, aldermen from each of said wards shall be elected by the qualified voters of said ward, as provided in this act, each voter being entitled to vote for a mayor and one alderman ; that the board of mayor and aldermen may, when they deem it advisable, by ordinance, change the said wards, provided that such change shall be made not less than sixty days next preceding the day of any biennial election. That any vacancy occurring in the office of mayor shall be filled by the board, and in case of any vacancy in the board of aldermen by death, resignation or otherwise, the remaining members of the board shall fill such vacancy ; the person elected to be a resident of the ward where the vacancy occurred.

Wards.

Vacancies.

SEC. 10. Be it further enacted, That at least sixty days before the 1st Tuesday in December next preceding each election, it shall be the duty of the mayor and aldermen of said city to appoint two or more residents of said city to act as registrars of voters ; said registrars shall commence registration the second Tuesday in October next preceding each election, and shall continue the same up to and including the last Tuesday preceding said election, after which time said registration shall be closed ; said registrars shall give at least five days notice by publication in some newspaper in said city of their appointment, and of the time when, and place at which they will attend and make registration of voters as hereinafter required. Should any of the registrars so appointed, fail to act or from any cause a vacancy should occur in said appointment, then the mayor and aldermen shall appoint some other person in his stead. Before registering the electors, the said registrars shall cause each qualified elector to take and subscribe an oath, that he is a qualified elector under this act and that he will be legally entitled to vote at the next ensuing election for municipal

Registrars.

officers of said city. Said oaths shall be written or printed at the head of the registration list, and shall be substantially in the following form :

We, the undersigned, reg,
State of Alabama, } istered electors, each for him-
County of Launderdale. self, do solemnly swear (or affirm) that I am not excluded from registering or voting by any of the clauses in section 3, of article 8 of the constitution of the State of Alabama, and that I have resided in the State of Alabama twelve months, in the city of Florence six months, and in the ward in which I propose to vote, thirty days, and that I am a qualified elector under the charter of the city of Florence, and will be entitled to vote at the ensuing municipal election." The registrar shall write opposite to the name of each elector under the appropriate head in such printed list, the numbers and date of registration, whether white or colored, his employment, and if he is in the employment of another, the name of such employer, and ward in which such elector resides, and his age. The right of auy person to be registered, may be challenged in same manner as hereinafter provided for, challenging any person who may claim to be entitled to vote at any municipal election of said city ; said registrars shall carefully preserve the original registration lists, and cause a correct copy thereof to be made, placing the names of the parties renistered upon said copies alphabetically, and certify said original and copy over their signature, and immediately after the closing of the registration lists, shall deliver both said original andt copy to the mayor of the said city.

SEC. 11. Be it further enacted, That before entering upon the discharge of their said duties, said registrars shall each make and subscribe an affidavit before some officer authorized to take affidavits, that they will faithfully and truly perform the duties imposed upon them by this act, and that they will honestly and impartially cause registration to be made of all persons who personally apply therefor, and show that they are legally entitled to vote at the next ensuing election, and of no other person. Said affidavit shall be filed by said registrars with the clerk of the board, and for every willful violation of their duty as such

registrars, they shall on conviction pay a fine of two hundred dollars for the use of the city of Florence.

SEC. 12. Be it further enacted, That the mayor of said city shall cause at least twenty carefully corrected copies of the registration list of the city to be printed, and the names of the persons registered to be arranged alphabetically, and shall furnish to each of the inspectors of election one printed copy of said registration list, to be used at such election. One of the printed copies shall be designated and used by said inspectors as the official copy, and shall be by them returned with the ballots cast at such election, as part of their official returns as herein directed. It shall be the duty of said mayor, at least one day before said election, to post at the court house, in said city, one copy of the registration list; the original of said list, and the certified manuscript copies, as received from the registrars, shall, after the printed lists referred to, be by the mayor deposited with the clerk of the board, to be preserved among the city records.

Duties of mayor.

SEC. 13. Be it, further enacted, That all elections provided for in this act shall be held by the sheriff of Lauderdale county, or in case he fails or refuses to act, by the mayor of said city. It shall be the duty of said sheriff, or the said mayor, in the event of the refusal or failure of said sheriff to act, to provide for the opening of the polls, and to give ten (10) days notice by publication in some newspaper in the city, of the time of holding said election, of the polling place or places, names of the inspectors of election of each polling place ; that a box shall be provided for each ward, with the number of the ward written or printed thereon, and that each elector, when he proposes to vote, shall give his name and the number of his ward, and which shall be entered on the poll lists by the inspectors or clerks of the election, and his ballot shall then be deposited in the box provided for the ward in which he proposed to vote. All elections under this act shall be held at the court house in Florence until the mayor and aldermen shall by ordinance provide polling places for such elections in the several wards of said city.

Duties of sheriff.

SEC. 14. Be it further enacted, That the inspectors of election shall not receive at said election, the vote

or ballot of any person whose name does not appear on the registration list as furnished by the mayor, and does not, when unknown by the inspectors, make satisfactory proof, on demand, of his identity with the person whose name may be on the registration list; for the purpose of such election, the printed list furnished to the inspectors by the mayor, and herein described as the official list, shall be taken to be correct, but subject, if error be alleged to be corrected, by comparison with the original registration list, which, for such purpose, shall be in custody of the inspectors at the time aud place of such election. Said inspectors, immediately after the polls are closed, shall proceed to count the ballots and compare them with the poll list at their respective polls, and certify the result of the election at their polling place to the sheriff of said county. They shall enclose with the ballots cast in the respective boxes the poll list and registration list of the city, together with their certificate of result, in the box in which is placed the ballots received at such election, and after carefully sealing the same, deliver said box, with its contents, to the sheriff of said county, who shall give said inspectors a receipt for said box, stating in said receipt the condition of said box when received.

Duties of inspectors.

SEC. 15. Be it further enacted, That said sheriff shall, immediately after the delivery of the boxes, poll lists and inspectors certificates of the respective polling places as hereinbefore required, in the presence of the mayor and aldermen of said city, proceed to open said boxes, and by footing up the returns as made by the inspectors, ascertain which of the candidates have received the highest number of votes for the respective offices and thereupon declare the election to their respective offices of the persons who shall have received the largest number of legal votes for the respective offices to be filled at said election, and shall give certificates of election to all persons so found to be elected; said certificates of election shall entitle the person receiving them to the possession of their respective offices immediately upon the expiration of the term of office of their predecessors, as fixed bylaw ; subject, however, to the contestation of their rights as is now, or may hereafter be provided by law for contest-

Sheriff declares result.

ing election of judge of probate in the State. In the event of the absence, sickness or other disability of the sheriff of said county, or his failure or refusal to act, the probate judge of said county is hereby authorized to make said count as hereinbefore provided.

SEC. 16. Be it further enacted, That any person offering to vote at any municipal election in the city of Florence may be challenged by either of the inspectors, or by any qualified elector; and it is the duty of such inspectors to challenge any person offering to vote, whom he knows or suspects not to be qualified, under this act, as an elector; when any person is challenged, if his ballot be not withdrawn, one of the inspectors must tender him the following oath: "You do solemnly swear that you will fully and truly answer all questions that may be put to you, touching your qualification as an elector." The inspectors, or one of them, must examine him as to his qualifications under this act. When a vote is challenged, the same must be counted by the inspectors, but such vote must be deposited in a separate box, and so designated to the sheriff of said county as a contested vote.

Challenges.

SEC. 17. Be it further enacted, That any person who falsely personates another, and thereby casts a vote to which he is not entitled, or attempts, by such false personation of another, or after having once voted at such election, votes a second time, or attempts to vote a second time, whether in the same ward or another, or shall vote at such election when not entitled to do so, or shall falsely cause his name to be registered, as a person entitled to vote, when he is not entitled, or shall falsely attempt to do so, or after having once obtained registration in any ward, shall cause himself to be registered a second time, or attempt to obtain a second registration, whether in the same or another name, or whether in the same or another ward, or shall aid or assist another not entitled, knowing him not to be entitled to vote, or to obtain registration as a voter, or shall willfully give a false answer to any question put to him by any inspector or registrar, shall be guilty of a felony, and on conviction, shall be punished by imprisonment in the penitentiary, or hard labor for the county, for not less than six, or more than twelve months.

Registering or voting illegally a felony.

SEC. 18. Be it further enacted, That the ballots cast at any election held under this act, shall, after the result of the election is declared as hereinbefore provided, be carefully sealed up by the officer who makes said count, and deposited with the city clerk, who shall preserve the same for twenty days after the result of said election is declared, and then if there be no contest the same shall be burned by said city clerk, in the presence of the mayor, but in the event of a contest, they shall, be delivered to the judge trying the same.

Contests.

SEC. 19. Be it further enacted, That a majority of the mayor and aldermen shall constitute a quorum for the transaction of business. The board of mayor and aldermen shall fix their own sessions and compel the attendance of absent members, in such manner and under such penalties as the board may prescribe, and special meetings of the board may be called by the mayor or any two of the aldermen ; all the board in the city at the time of the call being notified of such meeting, and its purpose, which notice, signed by the parties calling the meeting, shall be served by the marshal. In the case of sickness or temporary absence, relation to parties or other disability of the mayor, he or the board may appoint one of the board to act as mayor during such sickness, absence or disability, and such mayor pro tempore, shall exercise all the powers, jurisdiction, and perform all the duties of the mayor, but the mayor shall not vacate his office reason of any temporary absence from the city or State, provided, that the appointment of such mayor pro tempore shall be in writing, and entered on the records of the board. That the mayor shall, when present, preside at all meetings of the board, but shall only vote in case of a tie. He shall possess within the corporate limits, all the power and jurisdiction of a justice of the peace in civil and criminal cases, and be subject to all corrresponding duties and responsibilities, and for his services in such cases shall be entitled to the fees which are or may be allowed by law to justices of the peace; and his signature or act, as mayor in such cases, shall be of equal force as if done by him expressly as a justice and from any judgment or decision of the mayor sitting as a justice, the party

Mayor and aldermen.

Mayor and his duties.

Jurisdiction.

desiring it, may take an appeal or certiorari to the circuit court for the county of Lauderdale, under such rules and regulations as are or may be prescribed by the laws of the State for an appeal or certiorari from the judgment of a justice of the peace. He shall, moreover, as mayor, have exclusive jurisdiction to hear, adjudge and determine all suits, prosecutions or other proceedings for violations of the charter, ordinances or by-laws of the corporation. He shall have jurisdiction of all proceedings by motion, scire facias, or other suit on any penal bonds payable to the mayor, or mayor and aldermen, taken under this act, or the ordinances of said corporation, and upon the judgment in any case in any branch of his jurisdiction, as mayor or as justice, executions or appropriate process, may be issued by the mayor of the corporation, directed to and to be executed by the marshal, which shall have the force and effect of an .execution or appropriate process, as the case may be, from any of the justices courts of the State, and shall be executed by the marshal in the same manner as executions or other process, as the case may be, for such justice courts, and from any judgment or decision of the mayor as such, the parties desiring it may take an ap- Appeals
peal to the circuit court of Lauderdale county, on giving bond with two sufficient sureties, to be approved by the mayor, in twice the amount of the judgment or fine, and conditioned to prosecute the appeal to effect, and to satisfy such judgment as the, circuit court may render in the premises, but unless such appeal bond be given within five days from the date of said judgment or decision, then no appeal shall be allowed from the same ; the proceedings on such appeal shall be such as are or may be prescribed by law in cases of appeal from justices of the peace ; Provided, that in cases of conviction before the mayor for offenses against the corporation, the party so convicted shall at the time of his conviction claim or demand an appeal, which shall be noted by the mayor or acting mayor upon his docket, and such party shall then have five days within which to prepare his appeal, by giving bond as required, and it shall be the duty of the mayor to suspend his sentence until the expiration of said five days.

SEC. 20. Be it further enacted, That it shall be the duty of the mayor to see that the laws of the corporation be duly executed ; he shall hold a court at such place as may be designated by the board of mayor and aldermen, as often as may be necessary for the trial of offenders against its laws and ordinances and other causes brought before him ; he shall report to the board the negligence, incapacity or misconduct of any officer of the corporation ; he shall recommend from time to time, in writing, such alteration in the laws of the corporation, or measures for its good government or interest as he may deem necessary and proper; he may, in cases of disturbance of the peace or invasion, or insurrection, or whenever in his opinion the peace and security of the city require it, call on the sheriff of the county for aid in preserving the peace by the use of all means which the laws router on the sheriff as peace officer, and the mayor may also call on the volunteer and militia companies in the city for its defense. He shall perform all such other duties as the board may prescribe, and has authority while holding his court to punish any contempt of his court by fine and imprisonment, or either, but the imprisonment for such contempt shall not exceed twenty-four hours, and the fine shall not exceed twenty-five dollars; and he shall have power to suspend the marshal or any policeman until the next regular meeting of the board, and shall report such suspension with the cause thereof to the board at such meeting. And he shall make out at the end of each fiscal year a statement in writing of the financial condition of the city, giving an itemized statement of the receipts of the city from every source, and the disbursements, which statement shall be entered of record by the board, and may, if the board thinks proper, be published in some newspaper of the city.

Mayor to see laws executed etc.

SEC. 21. Be It further enacted, That the mayor and aldermen shall have power to appoint a city marshal, clerk, treasurer, and such other officers or agents as may be necessary and proper to execute the powers conferred on the corporation, or as may be deemed proper for the government of the city ; to prescribe their duties, liabilities and powers ; to require of them bond, with such amounts as may be deemed expedient

Appointment of city officers, their salaries, bonds, etc.

for the faithful discharge of their duties ; to regulate and control them in the exercise of their respective duties; to remove or discharge at any time any or all of said officers or agents, a majority of the board concurring in such removal, and to fix and regulate, from time to time, the compensation or salaries of all the officers of the corporation, including that of the mayor, but no increase in the salary or compensation of the mayor shall take effect during the term of office in which said increase is made. The clerk, treasurer and marshal, and all such other officers as the board may require to give bond, shall, before entering upon the discharge of their duties, give bond, with sufficient sureties, to be approved by the board., payable to the mayor and aldermen in such penalty as may be prescribed by the board, with condition to discharge faithfully all the duties of such office, on which bond suit and recovery may be had before the circuit court of Lauderdale county, or any court having jurisdiction, in the name of the mayor and aldermen of Florence, for the use of the corporation or the person injured, and said bond shall remain for the breaches of its conditions till actions thereon are barred by the general statutes. Officers' bonds.

SEC. 22. Be it further enacted, That the mayor and aldermen shall not be eligible to any office mentioned in the foregoing section for the performance of the duties of which a bond is required.

SEC. 23. Be it further enacted, That the city shall keep a regular record of the proceedings, orders, regulations and ordinances of the board, which shall be read to the board, and signed by the mayor or presiding chairman, and the same shall have the force and effect of a record, and a copy therefrom, certified by the clerk, shall be prima facie evidence in any court of record or elsewhere, and said record shall, at all times, be open for inspection. The mayor shall also keep a docket of all causes instituted before the mayor, and noting and indorsing the orders, judgments, etc., therein, and the dates of the issuance and delivery of the original and final process; to whom delivered and the return thereon, or the substance thereof, and all other proceedings had in the causes. He shall also keep a separate docket or record book of the cases in- Records.

stituted before him as a justice of the peace, which shall be kept in the same manner as above provided, in reference to the causes before the mayor as such.

SEC. 24. Be it further enacted, That the clerk of the board shall make full indexes, direct and reverse, for all of said books, and he shall keep and preserve a

Duties of clerk

regular file, as well the papers in all suits or causes before the mayor, as such, or as justice, as well as all other papers belonging to the board, and the said dockets, records, indexes and files shall be open for public inspection, under such rules and regulations as the board may prescribe, and the said clerk shall perform all such other duties as the board may direct.

SEC. 25. Be it further enacted, That the city marshal shall have and possess within the corporate and police limits, all the powers and rights of constables under

City marshal.

the laws of the State, and shall be entitled to such fees for his services, as the board may fix. He shall possess within said limits in preserving peace and making arrests, all the powers of the sheriff as a peace officer. He shall execute the orders, notices and processes as the board to him directs, and all warrants, precepts, executions, and all processes from the mayor's court, and perform such other duties as the board may prescribe. The mayor and aldermen may allow to the marshal such salary or compensation, in addition to the specified fees to which he may be entitled, as they deem proper, and in all cases when the marshal is a party to any suit or proceeding before the mayor, the mayor shall appoint some person to act as special marshal.

SEC. 26. Be it further enacted, That when the marshal or any member of the police force ot said city

Offenses against city, etc.

shall have good reason to believe that an offense has been committed against the laws of the State or the ordinances of said mayor and aldermen, or that any fugitive from justice from another State is in said city or its neighborhood, and shall also have good reason to believe that the offender against the said laws or ordinances, or such fugitive from justice may make his escape unless immediately arrested, such officer shall be authorized forthwith to arrest such offender or fugitive from justice without- any warrant issued therefor, either in said city or neighborhood, or po-

lice limits, but in all such cases of arrest, the officer making the same, shall immediately take the prisoner before a justice of the peace or other officer having power to investigate the charge, and make complaint to him of the offense charged against the prisoner, and such officer or justice shall take jurisdiction of the case, and proceed as in other cases where a complaint is made of a violation of law, and in all cases of arrest, as above provided, if any officer is indicted, or complained of to the mayor for a breach of the peace, or other offense, he shall have the right on his trial, to be examined as a witness, and give evidence of the reasons which induced him to make such arrest.

SEC. 27. Be it further enacted. That all persons brought before the mayor, charged with any violation of the laws of said corporation, may be tried by such mayor, with or without affidavit and warrant, but such person may, before entering upon his trial, demand that he be furnished with the nature of the charge against him, and thereupon the mayor shall prepare, in writing, a statement of such charge against such offender, which shall be signed by said mayor, and upon such written charge, the trial shall be had. In such statement of the mayor, it shall be sufficient to designate the offense by name, and no objection shall be made thereto before the mayor or on appeal, for want of form. Said person so charged with any violation of the charter or ordinance of said corporation, shall have and be entitiad to compulsory process for the attendance of witnessess. Trials

SEC. 28. Be it further enacted. That said Board of mayor and aldermen shall have full and complete power, to make, adopt and declare motions, resolutions, by-laws and ordinances in whatever manner, and upon whatever subject they see fit to carry out the power herein granted, and for the good government and order of said city, and to fix thereto such penalties for violation of the same, by fine, not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days, one or both, and all persons convicted for breach of any by-law or ordinances, failing to pay or secure such fine may be imprisoned for such failure, or placed to Powers.

hard labor for the city until such fines and costs are paid, in such manner and for such time as the board of aldermen may direct, not longer than one hundred days. To pass all laws and ordinances necessary and proper to prevent contagious and infectious diseases from being introduced in said corporation and police limits; to establish and regulate an efficient quarantine within said city and to punish any breach of quarantine laws; and to prescribe the duties and to fix the salaries and compensation of all such health officials as they may deem necessary under the existing health laws of the State. To prevent and remove all nuisances at the expense of the person causing same, or upon whose premises the same may be found; to regulate or prohibit privies and privy or water closets, sinks and wells. To establish, set up and regulate hospitals and poor houses, work houses and houses of correction. To license, tax, regulate or restrain theatrical or other amusements, and the selling or giving away of vinous, malt or spirituous liquors. Each kind of license may be graduated on such basis as the board of aldermen may deem proper. To prevent the sale of spirituous, vinous or malt liquors within the city limits. To restrain or prohibit gambling houses, houses of ill fame, disorderly conduct, breaches of the peace, riots and all unlawful assemblies and public indecencies, chicken-fighting, and all games and sports of immoral character; To appoint and regulate night and day watchmen, police patrols and captains thereof. To divide the city into wards, and to regulate and change the same. To establish, regulate and control markets and market houses, and to pass by-laws and ordinances regulating the sale of meats, vegetables or other like articles, within certain places, and within certain hours. To make all needful provisions for supplying the city with water and light, and to regulate the same, and to charge a reasonable compensation of persons contracting for the use thereof. To establish streets, avenues and alleys, and regulate and control the paving, cleaning, repairing and curbing of streets and side-alleys and parks, and prescribe penalties for injuring same. To establish and build drains, sewers, aqueducts and reservoirs and to regulate the same; and to pass all

laws, ordinances and resolutions to compel owners of lots or real property to ditch and drain the same at the expense of the owner or person in charge of said lot or property, by fine and imprisonment, one or both. To establish, lay out and improve public parks and to regulate the same. To establish a place or places for the imprisonment of persons convicted of offenses against the city, and for the safe keeping of persons held for or charged with such offenses. To establish and regulate a system of hard labor where all persont convicted of offenses against the city and sentenced to hard labor, may work. To establish, regulate or change fire limits within the city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner thereof a just compensation therefor. To lay out, regulate and improve and control city cemeteries and burial grounds and to sell burial lots in the same. To prevent the running at large on the streets, of all cows, hogs, dogs, or other animals, and to pass all laws deemed necessary by the board of mayor and aldermen, for the impounding and sale of same. To establish, regulate and control free white public schools and free colored public schools in said corporate and school limits, either or both, to pay the teachers thereof. To regulate and control the running of cars or locomotives upon or across the streets, avenues or alleys of said city, and to regulate and control the speed of such cars, engines or trains within the corporate and police limits of said city. To pass all laws necessary and proper for the arrest, with or without warrants, of any person against whom there is a charge made of violating any city or State law, and to confine such person until duly discharged by law. To pass all laws needful for issuance and execution of search warrants. To make and ordain all laws necessary concerning idlers, paupers, vagrants, and disorderly or vicious persons, for correcting or restraining their vicious conduct, and all persons convicted of a breach of the by-laws and ordinances of said city, failing to pay such fine and costs as may be imposed by the mayor or acting mayor, may be placed at hard labor for the city, or imprisoned until such fine and costs are paid; and in case any person put to bard labor for the city fails to work faithfully,

he may be tried for such failure by the mayor or acting mayor, and if convicted, be punished by fine not exceeding twenty dollars, and by additional hard labor not exceeding ten days, one or both. To pass by-laws and ordinances in relation to auctioneers carrying on their business on the streets and to regulate and prohibit the same; to enact an ordinance or ordinances to prohibit the wearing of any uniform, adopted by the police force of the city, by any person except those belonging to said police force, under a penalty of fine or imprisonment, or hard labor on the streets, either or any, at the discretion of the board. To punish all persons who, in any manner, obstructs the marshal, captain of police or any policeman or other officer, in the arrest of any person in said corporation or police limits or in the lawful discharge of any of their duties in said corporate or police limits, and for the punishment of any or all persons who, when called upon to aid in the arrest of any person, shall fail to give such aid or assistance, or who, when summoned to act as patrol, refuse to act; and in all cases, when any person is so called on, and aids such officer as required, such person shall not be liable to indictment or punishment in the courts of the State thereof, nor to punishment by the mayor of said city, nor to any damages in any civil action, provided he did no more than was reasonably necessary to effect such arrest. The said board of mayor and aldermen shall have power to pass and establish inspection laws within the city, the weighing, measuring of all building material, and all kinds of produce or provisions for man or beast, and to provide for the inspection and guaging of liquors; inspectors not to be paid by the city or allowed to demand pay for their services, but to be compensated by voluntary payments by parties served; to erect public scale houses with proper scales, weights and measures and to appoint weighers and measurers to weigh and measure, in case of disagreement between buyer and seller. To regulate and control tie manner of building partition walls and partition fences, and to regulate the keeping, carriage and storage of gun-powder, blasting powder, and other explosives or dangerous material within said corporate and police limits ; to regulate and control the cleaning and sweeping of chimneys and flues, in all stores, warehouses, shops, stables, kitchens and other places within said limits. Said board of mayor and

aldermen shall have the power to pass by-laws, ordinances and resolutions providing for grading, paving, curbing and keeping in repair the side-walks, in such manner as shall not be inconsistent with the constitution of the State. Said board of mayor and aldermen shall have power and authority to contract with any person, or association of persons, or corporation to grade streets and alleys, to construct and repair sewers, to light said city and all or any portion of the school limits and buildings used for city purposes, with gas, electric or other lights, one or more; to supply said city with water and regulate the conveyance of water from the vicinity into said city, and generally to do every matter and thing for the good and welfare of said city not inconsistent with the constitution and laws of this State.

SEC. 29. Be it further enacted. That the said mayor and aldermen shall have power and authority by tine and hard labor, or either, to compel all the male inhabitants of the city, between the ages of eighteen and forty-five years, to work on the streets of said city under the direction of the board for a period not to exceed ten days in each year; Provided, that any person liable to such work may relieve himself therefrom in any year by the payment to the city tax-collector or any person authorized to receive moneys for the city, of the sum of three dollars. Said board of mayor and aldermen shall have authority to levy and collect from all persons, firms or corporation, trading or carrying on any business, trade or profession, by agent or otherwise, in said corporate limits, a license tax on such business, trade, profession or calling, but mechanics who employ no capital, but conduct their trade solely by their own skill, labor and attention, without employees, shall not be subject to payment of such license ; to assess, levy and collect each year taxes on real and personal property in said city for general purposes; to asses, levy and collect each year, taxes on real and personal property in said city, for payment of bonds hereinafter authorized to be issued and interest thereon ; also to assess, levy and collect each year, taxes on real and personal property in said city, for the support of the public schools, all of said taxes not to exceed in the aggregrate the amount allowed by the constitution of Alabama to be levied ; to make provision for the ascertainment of all property in the city that has escaped State taxation and

Work on streets.

Street tax.

License.

Taxes.

have the same brought to the attention of the proper officers, that such property may be assessed by the State.

SEC. 30. Be it further enacted. That the said mayor and aldermen shall have a prior lien upon all real and personal estate assessed for taxes over and above all other liens that may exist thereupon, except those of the State and county.

Lien.

SEC. 31. Be it further enacted, That the said mayor and aldermen are hereby authorized and empowered to pass laws for the sale of real estate and personal property in said city for taxes and to provide for the redemption of real estate so sold.

Tax sales.

SEC. 32. Be it further enacted. That said mayor and aldermen of Florence shall have the right to build and construct sewers through property any where in said corporate and police limits, making just compensation to the owner, and to institute and prosecute such proceedings as may be authorized by law to condemn such right, in event an agreement cannot be made with such owner, to condemn private property for streets and alleys, making just compensation to the owner, and to institute and prosecute such condemnation proceedings as are or may be provided by law for that purpose.

Sewers.

SEC. 33. Be it further enacted. That all real and personal property now used in said city for manufacturing purposes, and all such property as may hereafter within five years be used in said city for said purpose, be and the same is hereby exempted from the payment of city taxes for a period of ten years ; Provided, that the owner of such manufactory, or some person for him, shall file with the clerk of the board a declaration or statement in writing of his intention to claim the benefit of such exemption, and shall describe as near as may be such manufactory, and give the name if it has any, and also the amount for which it has been given in for State taxation ; And provided further, that such exemption shall not take effect until said declaration or statement is made and filed as hereinbefore provided.

Exempt from tax.

SEC. 34. Be it further enacted. That the said mayor and aldermen shall have power and authority to issue bonds of the city not to exceed in amount one hundred thousand dollars for the purpose of establishing a system of sewerage in said city limits, and if deemed advisable within the police limits, and for other public city purpo-

Bonds.

ses; Provided, that said bonds shall not be disposed of for less than their par value. The bonds shall bear interest at the rate not exceeding eight per cent, and the same to be paid as the board may direct.

SEC. 35. Be it further enacted, That said city council shall have power and authority to do and carry out fully all the powers granted in this act, either by themselves or by their agents, by them duly appointed.

SEC. 36. Be it further enacted. That the mayor and aldermen of the city of Florence shall have full power and authority to cause or procure the sidewalks along the avenues, streets and alleys of the said city now or hereafter established, to be graded, levelled, curbed and paved or either, or re-graded, re-levelled, re-curbed and re-paved or either ; and to cause or procure the avenues, streets, and alleys of said city now or hereafter established to be graded, levelled and gravelled or macadamised or either, or to be re-graded, re-levelled, re-gravelled or re-macadamised or either, in such manner and with such material as they may deem best; and to cause the expense of all such work on sidewalks, avenues, streets and alleys to be assessed against the owners of the lands or lots lying along or adjacent to such avenues, streets and alleys according to the value or frontage of said lauds or lots or of the benefits to the owners thereof, and to make such assessments a lien upon said lands or lots, and to provide for the enforcement of such lien and the collection of such assessments.

Side walks streets, etc.

SEC. 37. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 28,1889.

No. 407.] AN ACT [H. B. 787

To amend an act entitled an act to incorporate the town of Scottsboro, in the county of Jackson, approved January 20, 1870, and the act amendatory thereto, approved February 5, 1877, entitled an act to amend section 13 of an act approved January 20, 1870, entitled an act to incorporate the town of Scottsboro, in the county of Jackson.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section four (4) of an act approved January 20, 1870, entitled an act to incorporate the town of Scottsboro, in the county of Jackson, be and the same is hereby amended so as to read as follows:

Section 4. Be it further enacted, That the said corporation shall have power to ordain or pass all such ordinances, by-laws and resolutions, and make all such regulations as may by them be deemed necessary for the good government of said town, which may extend to the preservation of health, to prevent and remove nuisances, to license, tax and restrain theatrical amusements, shows, museums of all kinds whatever, within said corporation; to restrain and prohibit every species of gambling, drunkenness, profane swearing, or obscene language, assaults and batteries, and all other breaches of the peace; to enact and enforce all by-laws, resolutions and ordinances necessary to the protection of persons, property, good morals, decency, safety and security within the limits of said corporation; and to prohibit and punish any act which would be a violation either of the common law or criminal statutes of Alabama; to appoint night watches and patrols when necessary; to open up and establish streets, and clean and keep in repair all the streets of said town, and prohibit trespass on the same: to levy and collect taxes on all property, both real and personal, at a rate not higher than one-half of one per centum of the value thereof, and to sell real estate or personal property for the payment of said taxes in the same manner prescribed by the Code of Alabama for the sale of real estate for the payment of taxes due the State within said corporation, for the defraying of the expenses of the same; to grant licenses to retailers of spirituous, vinous or malt liquors, and to regulate, prohibit and restrain them

Powers.

when deemed expedient; Provided, that said corporation, or its corporate authorities, shall not have power to license the sale of spirituous, vinous or malt liquors, while any general or special law is in force within any district or territory covering or including said corporation, and any and all liquors brought within the limits of said corporation of Scottsboro, or made or kept there for sale in violation of law, shall be subject to seizure and forfeiture under such rules and regulations as may be lawful that may be prescribed by the corporate authorities; to grant licenses to and tax merchants and auctioneers; to levy the same tax on itinerant or transient merchants who remain in said corporation less than one year as is levied on permanent merchants, which tax shall be sued for and collected at any time the corporate authorities may direct; to prevent the introduction of contagions or infectious diseases within the limits of said town; to restrain and prohibit all meetings of disorderly persons; and in general to pass such by-laws, not contrary to the constitution of this State and the laws of the same, as are necessary to carry into effect the intent and meaning of this act, and to execute and revoke and alter the same. The said corporate authorities shall have power to appoint a treasurer, assessor, collector and marshal, and such other subordinate officers as they deem proper and necessary, and by ordinance require securities for the several officers so appointed, and annex such fees to the several officers, not exceeding fifty dollars per month, as they may think necessary; Provided, that not more than ten per cent. of the amount of the taxes assessed and collected for any one year shall be expended in the payment of such assessor, collector and treasurer; they arc hereby also empowered to impose such fine or fines, not exceeding fifty dollars, for any breach of their by-laws as they may deem proper; any time and cost imposed by them on conviction, if not paid immediately, may be secured by confession of judgment before the mayor or the officer acting as such, as is now provided in State cases in the Code of Alabama, and such judgment so confessed may be collected by execution against principal and securities as in State cases under the Code of Alabama, and the fines so collected shall be paid to the treasurer for the benefit of said town.

SEC. 2. Be it further enacted, That section five (5) of

an act entitled an "an act to incorporate the town of Scottsboro, in the county of Jackson," approved January 20, 1870, be and the same is hereby amended so as to read as follows: Section 5. Be if further enacted, That when a fine or fines shall be imposed upon any person or per-

Fines sons for any breach of the ordinances or by-laws of said town, and the same, together with the costs, be not immediately paid or secured by confession of judgment, as provided in the State cases under the Code of Alabama, such person or persons shall be sentenced to hard labor upon the streets of said town for a sufficient length of time to pay such fine and costs at the rate of not more than two dollars per day to pay the fine, and at a rate of not more than forty cents per day for the payment of the costs, and it shall be the duty of the corporate authorities to require such person or persons so sentenced to hard labor, when not employed at such hard labor, to be securley kept or confined in the calaboose of said town, or other safe and secure place; Provided, that upon the payment of the fine and costs above referred to by such convict, after sentence, such convict shall be released from further hard labor upon the streets.

SEC. 3. Be it further enacted, That an act to amend section thirteen (13) of an act to imcorporate the town of Scottsboro, in the county of Jackson, approved January 20, 1870, approved February 5, 1877, be amended so as to read: Section 13. Be further enacted, that the inhabitants of Scottsboro, within the corporate boundaries of said town, shall be exempt from working on pub-

Street tax. lic roads and highways outside of the corporation, but the highways and streets within said corporate boundaries shall be kept in repair by the corporate authorities of said town; Provided, that amy person liable to street duty may relieve himself of the same for any one year by paying the sum of five dollars ($5) to the treasurer of said town, and taking his receipt therefor; Provided further, that any person not paying said dollars, and failing on notice to work said streets, shall be proceeded against in the same manner as now provided by law for like defaults in working the public roads, and be liable to the same penalties; Provided further, that no male person between the ages of eighteen and forty-five years, living within

Exemptions. the limits of said town, shall be exempted or excused from working on said streets, or paying five dollars in

lieu of said work, unless exempted or excused by an order entered on the minutes of the proceedings of said mayor and aldermen, done at a regular session of said board, which order may he changed or revoked at any subsequent meeting of said board, upon notice given to such person. That no certificate of a physician shall be evidence sufficient to warrant such exemption, but the board may, if they deem proper, examine one or more physicians, and such other witnesses as they deem material touching the bodily infirmities of such person, and if they deem the showing sufficient, may make such exemption.

SEC. 4. Be it further enacted, That whenever said corporate authorities shall exercise the powers herein delegated to open, widen, change or establish streets, they shall appoint two freeholders of said town, and the owner or owners of the land over which said streets may be opened, widened, changed or established, shall, on five days notice, appoint two freeholders of said town, and such freeholders so appointed shall proceed to assess the damages sustained, if any, and the advantage derived by, or benefits to accrue to the owner or owners of said land in consequence of said opening, widening, changing, or establishing said streets; and in case said assessors can-•not agree, they shall select a fifth freeholder of said town who shall act with them, and the award of a majority .shall be final, unless within ten days thereafter an appeal be taken to the circuit court of said county. Said assessors shall, before entering upon the discharge of their duties, take and subscribe before a proper officer an oath that they will faithfully discharge their duties as such assessors; Provided, that if any owner shall fail, after notification, to appoint assessors by the time specified, then the two assessors appointed by the corporate authorities shall proceed to make the assessment as hereinbefore designated; and in the event they fail to agree, they shall call on a third freeholder of said town, who shall be sworn as above stated, and who shall act with them, and the award of the majority shall be final, unless an appeal be taken as hereinbefore provided; and in case the owner or owners of said land, or any of them, are non-residents of said town, then the notice of said non-residents shall be given by posting a written notice on said land for the time herein specified.

Damages.

SEC. 5. Be it further enacted, That no person shall participate in the holding of any election in said town at which such person is a candidate, or being voted for by his consent; but such person shall retire and his place be filled by a qualified voter of said town; and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than ten nor more than one hundred dollars.

Elections.

SEC. 6. Be it further enacted, That the mayor and aldermen of said town shall, ten days before the first day of February of each year, make and securely post at the court house in said town a statement in writing, and sworn to by them, showing separately the amount of taxes collected during the preceding year on real and personal property; the amount of street tax collected during said term, and the amount of fines and forfeitures collected during said term, and the amount of revenues realized from all other sources; the amount paid out during said term for work on streets; the amount paid to each officer, and all other disbursements, and showing the balance, if any, remaining in the treasury.

Duties of mayor and aldermen

SEC. 7. Be it further enacted. That all laws, general or special, in conflict with this act, be and the same are hereby repealed.

Approved February 27, 1889.

No. 408.] AN ACT [s. 38

To establish separate school districts in this State and fix the boundaries of the same, viz: The Ironaton school district in Talladega county, the Aimwell school district in Marengo county, the Tuskegee school district in Macon county, the Hazel Green school district in Madison county, the Callahan district in Conecuh county, the Central Institute school district in Elmore county, the Woodland Mills school district and Lawrence Cove school district in Morgan county, the Titi school district in Coffee county, the Woolf's Beat district in Morgan county, the Sylvan Grove school dis-

trict in Dale county, the Baker school district in Henry county, the Moss Grove school district in Marengo county, the Fortner school district in Conecuh county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a separate school district to be known as Ironston school district be established subject to the public school laws of the State of Alabama out of part of township 18, range 6, east, in Talladega county, to-wit: All the territory embraced in sections 25, 26, 35, and 36, lying within said township. That the said separate school district shall receive its proportionate share of the public school revenue of said township, including a pro rata share of the sixteenth section fund; and shall also receive all the tax collected as poll tax within the limits of the territory set forth, and the county superintendent of education shall set apart from the county school fund and disburse and use such pro rata share exclusively for the maintenance of the public schools of said separate school district. And to establish a separate school district to be known as the Aimwell school district in Marengo county, embracing all that part of sections four, five, six, seven, eight and nine, of township thirteen, range two, east, lying west of Hodgins creek, and sections thirty-one, thirty-two and thirty-three, township fourteen, range two, east. And a separate school district, to be known as the Tuskegee district, is hereby established at Tuskegee in the county of Macon, the boundaries of which shall be one and a quarter miles each way from the court house. And a separate school district is hereby constituted to be known as Hazel Green school district, commencing at the school house known as Milton Humes Academy, thence north to Risk's Mills, south to Gentry's Cross Roads, east to Narrow Lane, west to McKay's in township one, range one, east, and township one, range one, west, in Madison county, and embracing an area four miles square. And a separate school district to be known as the Callahan district, embracing that portion of township six, ranges ten and eleven, lying between Cane Creek on the east and Murder Creek on the west in Cuneueh county. And a separate school district, to be known as the Central Institute school district, is hereby constituted, embraced in the bounds of sections 19, 20, 21,28, 29,

Separate school districts.

Ironaton.

Aimwell.

Tuskegee.

Hazel Green.

Calahan.

Central Institute.

30, 31, 32 and 33, in township 20, range 20, also section one in township 19, range 19, and sections 36, 25 and 24 in township 20, range 19, in Elmore county. And a separate school district, to be known as Woodland Mills

Woodland Mills. school district in Morgan county, is hereby created, beginning at Cataco Creek where the Robinson branch enters into said creek, thence east on the line bounding election precinct number 8 to the top of the mountain, thence in a northerly direction along the top of the mountain to the Kennedy point above Joseph Williams', thence west to Cataco Creek at Winston's ferry, thence in a southerly direction up side of said creek to the place of beginning. And a separate school district, to be known as Lawrence

Lawrence Cove. Cove school district in Morgan county, is hereby created, embracing a portion of township eight, range two, west, beginning at the northeast corner of township eight, range two, west, running south to the centre of section thirteen, thence west to the west line of section fifteen, thence north to the northwest corner of section fifteen, thence west to the southwest corner of section nine, thence north to the centre of section thirty-three, township seven, range two, west, thence east to the township line, thence south to the beginning point. And a separate school district, to be known as the Titi district in

Titi. Coffee county, is hereby formed, embracing all that part of township three, range twenty, east of Titi creek, and that part of township three, range twenty-one, on the west side of Double bridges creek, down south to the line of Geneva and Coffee, to the township line of three and four between said creek, also from township line three and four, thence up little Double Bridges creek to Milborne creek, thence up Milborne creek to south boundary line of sections thirteen and fourteen, thence west along said line to Titi creek, and thence down Titi creek to county line. And a separate school district, to be known as Woolf's Beat School District,

Woolf's Beat. in Morgan county, is hereby established, embracing a portion of township six, range one west, and a portion of township seven, range one west, described as follows : commencing where the south line of section seven, township seven, range one east, crosses the county line, then running said county line to where the north line of section nineteen, township six, range one east crosses the county line, thence west to the top of

the mountain, then let the top of the mountain be the line till it strikes the section line between section seven and section eighteen, township seven, range one west; thence east to the commencing corner, and known as Woolf's beat. And a separate school district is hereby established, to be known as the Sylvan Grove School District, in Dale county, embracing the Sylvan Grove Academy and the territory surrounding the same, beginning where the Henry county line crosses Blackwood's creek; thence west down said creek to Choctawhatchie river; thence west down said river to Lee's bridge on the Marianna road; thence south along said road to Mann's ford, where said road crosses Kelly's creek; thence east up left hand fork of said creek to its head (or uppermost spring) near J. P. Carlisle's plantation ; thence due east until it strikes the Henry county line; thence north along said line to starting point. And a separate school district, to be known as the Baker School District, in Henry, county, is hereby created out of parts as follows: Beginning south side township 6, range 27, through center of sections 34, 27, 22, and southeast quarter section fifteen going north ; thence east through center of sections 13 and 14, and through center of sections 18 and 17, and thence south along a portion sections 17, 20, 29 and 32 of township 6, range 28; thence through section 5; thence west through section 6, township 5, range 28, and sections 1 and 2, and half through section 3; then north to line township 5, range 27. And a separate school district, to be known as the Moss Grove School District, in Marengo county, is hereby established, commencing at a point where Watkins' creek empties or flows into Chickasawbogue creek; from thence following the various meanderings of said Chickasawbogue creek in an easterly direction to the section line between section thirty-three and thirty-four of township 16, range 4 east; thence due south to the township line between townships fifteen and sixteen; thence west one-half mile ; thence south one-half mile to the center of section 4, township 15, range 4 east; thence west one mile to the center of section 5, township 15, range 4 east; thence south one and one-half miles; thence due west to Watkins creek; thence along the bank of said creek to the place of beginning. And the Fortner

Sylvan Grove.

Baker.

Moss Grove.

School District, in Conecuh county, is established, em-
Fortner. bracing all that part of Old Town beat south of Simmons creel.

Approved February 27, 1889.

No. 409.] AN ACT [s. 422.

To incorporate the Gulf and Chicago Railway Company and to further construction of the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That H. Austill, D. H. Lay, Isaac Grant, S. T. Woodard, 0. 0. Murich, N. N. Clements, F. S. Moody, and associates be, and they are hereby consti-
Name. tuted a body politic, corporate and incorporate, by the name of the "Gulf and Chicago Railway Company," or by such name as the stockholders may adopt, are hereby authorized to sue and be sued, to make a common seal and the same to break, alter and renew at pleasure; to have and to hold real and personal property, for the present and future business and purposes of such company, as well as such other property as
Powers. said railway company may otherwise acquire by gift, devise, donation or purchase, for development or investment, and to have and enjoy and secure their franchises within any other State that may grant, authorize or permit the same; to make rules, regulations and by-laws for the management and direction of such corporation, not contrary to the laws of the State, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the full carrying out of the object and purpose of this act.

SEC. 2. Be it further enacted. That there be and hereby is vested in and conferred on the " Gulf and Chicago Railway Company" all the rights, powers, privileges, immunities and benefits acquired and obtained by and under House Bill No. 372, being an act entitled "An act, granting to the Gulf and Chicago Air Line Railway Company" additional powers, and to further the construction of the said railway," passed and approved on the 11lth day of February, A. D., 1887.

SEC. 3. Be it further enacted. That the " Gulf and Chicago Railway Company" is hereby authorized and empowered to survey, locate and construct, alter, maintain and operate a line of railway with one or more tracks of rails, with branches from the same, from or in the vicinity of Cedar Point, as surveys, soundings and other examinations may demonstrate as most feasible, practical, and will afford the safest and most commodious harbor and terminal facilities; thence northwardly to the Tennessee State line, in Lauderdale county, and by such route or routes, or from such point or points as surveys may establish and determine as most practical and as the business interest of said corporation may require, with right to connect by branches, switches or tracks, with other railroads for the purpose of interchange of traffic or for more speedy commercial intercourse, subject, however, to provisions of all laws provided by the legislature of this State for the regulation and control thereof. Route.

SEC. 4. Be it further enacted, That for the purpose of constructing said railway and branches, said company is hereby authorized and empowered to lay out the same not to exceed one hundred (100) feet in width, and may from time to time take such other additional grounds, earth, stone, gravel, timber and other material, as may be necessary for the protection and preservation of its engine houses, stations, ware houses, docks, piers, and other structures, necessary or convenient for the business of the company; Provided, that said company shall not be required to condemn and appropriate in the first instance, all property which is needful for its future development of its business, but may after the construction of its said railway, and from time to time, as its necessities and convenience shall require, appropriate and obtain additional property as may, in the course of its business, become necessary; Provided, also, that no right to take or use private property for the benefit of this company is hereby conferred, except under such provisions as are provided in the constitution of Alabama. Right of way.

SEC. 5. Be it further enacted, That whenever necessary to secure a suitable and convenient location or route, or that the topography of the locality may be such as to require, the said railway company may con-

struct its lines, or any of its branches, over the highways, or on or along and upon any of the public roads of the country, or on, along or upon the streets and alleys of an incorporated town or city, or may cross or build along the right of way of any other line of railway ; Provided, that not more than ten consecutive miles of such railway's right of way shall, in any case, be used; And provided, also, that all crossing of highways or lines of railways, shall be so constructed and maintained in accordance with requirements and provisions of law; And provided also, that the right of use and occupancy of streets and alleys of all incorporated, towns or cities, shall first be had and obtained from the proper and legally constituted authorities thereof.

SEC. 6. Be it further enacted. That said railway company is hereby authorized and empowered to erect bridges over the navigable streams on its main line or along any of its branches; Provided, that*all bridges over the Tombigbee, Alabama, Mobile, or Tennessee or Warrior rivers, shall have a draw of not less than 80 feet in the clear; And provided also, that all bridges athorized to be constructed by this act, and in each of them, the said draws shall be opened promptly upon reasonable signal, for the passage of boats and without unnecessary delay; Provided also, that said bridges at the option of the company or corporation by which they shall be built, may be used for tlie passage of wagons, or vehicles of all kinds, for the transit of animals or foot passengers for a reasonable rate of tolls; And provided also, that the location of piers,' construction of the main span or drawbridge, the erection of the superstructure, shall in all cases be in accordance with provisions of existing laws and in accordance thereto.

Bridges.

SEC. 7. Be it further enacted. That there is hereby granted to the Gulf and Chicago Railway Company the right of way over any land of the State.

SEC. 8. Be it further enacted. That the capital stock of said company may be seven million, five hundred thousand dollars ($7,500,000.00), and twenty thousand dollars ($20,000.00) -to the mile for each additional mile of railway and branches that may be constructed. The capital stock so provided shall be deemed personal property and may be assigned and transferred in such manner and at such time and place as the by-laws of said company shall direct.

Capital stock.

SEC. 9. Be it further enacted. That for the purpose of carrying out the object and provisions of this act, the said company may make, execute and deliver. May issue such bonds, notes and other obligations and evidence bonds. of debt, and may secure the payment of same by such mortgage or deed of trust upon its franchises and property, both real, personal and mixed as the stockholders may by vote direct; the same being done in obedience to requirements and in conformity to law in such case made and provided.

SEC. 10. Be it further enacted, That the corporate powers of said company shall be vested in a board of directors of not less than five or more than nine in Directors. number, as shall from time to time be fixed by the by-laws adopted by the stockholders thereof, and such other officers and agents as said board of directors shall appoint or authorize. No person shall be eligible for the office of director unless a stockholder at time of annual election, and a majority of directors shall constitute a quorum for the transaction of business. They shall elect annually one of their number to be president, who shall also be executive officer of the company, and a secretary and treasurer, who shall give such bonds aa may be required by said board of directors.

SEC. 11. Be it further enacted, That after thirty days notice given by publication in some newspaper published in the city of Mobile by three of the corpo- Subscription to rators as named in the first section of this act, the stock. said corporators or a majority of them shall assemble in the city of Mobile, either in person or by proxy, authorizing some one to act for their in the organization of the company, and shall arrange to open books of subscription to the capital stock of the company in such manner as they may direct.

SEC. 12. Be it further enacted. That subscriptions to the capital stock of this company shall be taken payable in money, labor or property at their market or money value, to be named in the list of subscriptions, and in the event of failure to perform labor or other service stipulated to be performed, and deliver property according to terms of subscription, the subscriber shall be bound to pay the amount named in the subscription list in money. In case of default by

any subscriber to the capital stock of this company, the board of directors shall have power to enforce collection of the same in such manner and at such time as they may deem proper and for the best interest of the company. They may after thirty days public notice advertise and sell at public auction all the stock on which default in payment has been made, and the surplus, if any, remaining from proceeds of such sale, after payment of balance due, shall be paid over to the stockholders; but nothing herein contained shall prevent said company from collecting by proceedings at law the amount due on any subscription. Provided, that in the case of deceased subscribers, no sale shall be made or notice given until eighteen months after the appointment of an administrator of the estate of such deceased person.

SEC. 13. Be it further enacted. That when one hundred thousand dollars ($100,000.00) shall have been
Organization. subscribed to the capital stock of said company by bona fide subscribers, the board of corporators shall call the subscribers together by notice given in manner as they may direct, for the purpose of organization, and a majority of stock so subscribed being present, either in person or by prosy, they shall proceed to the organization of the company, by electing by ballot from among the stockholders themselves, not less than five or more than nine directors to manage the affairs and business of the company for the ensuing twelve months or until their successors are elected and duly qualified. The directors thus elected shall by ballot elect from their number A president or executive officer and such person as they may see fit for secretary; both to serve one year, or for such period and under such conditions as the by-laws may direct.

SEC. 14. Be it further enacted. That upon the organization of the company the board of corporators shall turn over to the board of directors all the moneys re-
Assets, etc. ceived by them as subscriptions, and all the bonds, lists, notes, obligations and other papers taken by them in the organization of the company, and thenceforth all such bonds, papers, lists, notes, obligations and other papers shall be the property of and as binding on the company as if taken by themselves.

SEC. 15. Be it further enacted. That said railway company shall maintain in the city of Mobile, or at such place in the State of Alabama as the board of directors may direct, a general office or agency for the holding of meetings, and where all due service of legal proceedings can be had and obtained, with proper and qualified officer in charge thereof; and said railway company shall keep at such office or agency such books, records and documents as will enable the proper State officers to obtain such information as by law may from time to time be required of them, provided that annual and other meetings of stockholders or directors may be held outside of said State of Alabama, written consent of a majority of stockholders of record, residents of said State, being first had and obtained. Office.

SEC. 16. Be it further enacted. That said railway company is hereby authorized and empowered to sell and convey and make title to any land or other property which they have acquired ,or may hereafter acquire in payment of stock or by purchase. May sell property.

SEC. 17. Be it further enacted. That all laws and parts of laws in conflict with provisions of this act be and the same are hereby repealed.

Approved, February 27, 1889.

No. 410.] AN ACT [s. 282

To amend an act to regulate the disbursement of the proceeds derived from the hire of convicts in Marengo county, approved December 9, 1886.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act to regulate the disbursement of the proceeds derived from the hire of convicts in Marengo county, approved December 9, 1886, be and the same is heraby amended so as to read as follows, to-wit: Section 2. Be it further enacted by the General Assembly of Alabama, That the proceeds derived from the hire of convicts in Marengo county in' this State, shall hereafter form a part of the fine and forfeiture fund as said county ; Provided however, that if there Fine and forfeiture fund.

shall at any time be any surplus of said fine and forfeiture fund in the hands of the treasurer of said county over and above the amount necessary to pay the claims or fees of officers and States' witnesses in criminal cases then registered, said treasurer shall apply at once any or all of such surplus to the payment of any registered claims against the general fund of said county that may then be payable and unpaid according to their order of registration, any law to the contrary notwithstanding; Provided further, that the general fund of said county shall never be chargeable on account of any transfer heretofore or hereafter made from said fine and forfeiture fund to said general fund under the provisions of said act, the said general fund being hereby released from all charges under said act.

Approved February 27, 1889.

No. 411.] AN ACT [s. 446

To amend sub-division 25 of section 13 of an act entitled an act to provide a new charter for the city of Tuscumbia, approved February 28, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sub-division 25 of section 13 of an act entitled an act to provide a new charter for the city of Tuscumbia, approved February 28, 1887, be amended so as to read as follows: 25. Said board of mayor and aldermen shall have authority to levy and collect from all persons, firms or corporations trading or carrying on any business, trade or profession, by agent or otherwise, in said corporate limits, a license tax on such business, trade, profession or calling, but mechanics who employ no capital but conduct their trade solely by their own skill, labor and attention without employees, shall not be subject to the payment of license ; Provided, that no license tax shall exceed the sum of fifty dollars, except license to retail spirituous, malt, vinous or intoxicating liquors, which shall not exceed one thousand dollars, seventy-five per cent. of which shall be paid in lawful money of the United

Powers relating to taxes.

States, and all of said license money shall be paid over to the treasurer of the public school board for the use of the public schools of said city, and except license for keeping public billiard tables or other public tables on which games are played, whether a charge is made for playing on such billiard or other public tables, or not, which license shall not exceed two hundred dollars for each table. General dealers in merchandise regularly engaged in business in said city, a tax not exceeding one-half of one par centum on amount of merchandise on hand on the first day of January of each year, and to assess, levy and collect against general dealers in merchandise who are transient, a tax not exceeding one-half of one per centum on the largest amount of merchandise on hand at any one time while engaged in the business ; Provided, that the tax above provided shall be in lieu of the ad valorem tax of one per centum hereinafter authorized to be imposed for general city purposes on such merchantdise ; to assess, levy and collect each year taxes on all real and personal property in said city for general purposes ; Provided, that personal property (stocks of merchandise included) not in said city on the first day of January of any year, but brought into the city during the year, shall be assessed and taxed pro rata for the remainder of said year from the date it may be brought into said city. The assessments herein mentioned are to be made by the clerk or secretary of the city; Provided, that in case any property has escaped taxation in previous years said clerk or secretary shall assess the same, to be collected as other taxes are collected. The said city clerk or secretary shall be tax collector of said city ; Provided further, that when said city clerk or secretary shall have completed the assessment for said city taxes, he shall return the same to the board of mayor and aldermen. Said board may hear any complaints of property owners as to excessive valuation upon their property, and they may reduce or raise the valuation of property so assessed as may in their judgment be consistent with justice and right; Provided, that all property used exclusively for charitable, educational and religious purposes, or either of them, and all property of water works used for the supply of water to said city and its

inhabitants and public parks, shall be exempt from taxation by said city.

Approved February 27, 1889.

No. 412.] AN ACT [s. 273

An act to fix the times and places of holding the cir-3 cuit courts in the counties of Franklin and Marion, in the eighth judicial circuit of the State of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the circuit courts in the counties of Franklin and Marion, of the eighth judicial circuit of the State of Alabama, ah all be held at the court houses thereof in each year as follows: First, In the county of Franklin, on the first Mondays, after the fourth Mondays in March and September, and at each term may continue two weeks. Second, In the county of Marion, on the third Mondays after the fourth Mondays in March and September, and at each term may continue one week.

Times of holding courts.

SEC. 2. Be it further enacted, That whenever the presiding judge of the Franklin circuit court may at any one term of such court come to the conclusion that the succeeding term of such court need only continue for one week for the dispatch of business, he may so order by a proper entry on the minutes of said court, and then the business of such such succeeding term shall be ordered and conducted in all respects as if said term were to continue only for one week regularly by law.

Approved February 27,1889.

No. 413.] AN ACT [s. 6

To incorporate the Alabama and Georgia Railroad Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That James M. Walker, A. T. Harper and

John F. Hight of Floyd county, Georgia, and Jacob W. Whorton, Amos P. Richardson, Samuel K. McSpadden, George P. Smith, Robert R. Savage and J. L. Burnett of Cherokee county, Alabama, and such other persons as they may associate with them, be and they are hereby constituted a body politic and corporate by the name of the Alabama and Georgia Railroad Company, and by that name, or by such other, as the stockholders after their organization may adopt, are hereby authorized to make such contracts, have and use a common seal, sue and be sued, and do any and all acts, and have all such powers properly incident to end connected with corporations, and necessary for the organization, control and transaction of the business of a railroad corporation; that such company shall have power to have and hold real and personal property, and have, enjoy, and secure their franchise within any other State that has granted or may hereafter grant, authorize or permit the same.

Name.

Powers.

SEC. 2. Be it further enacted, That said company shall have power to survey, locate and construct, alter, maintain, equip and operate a railroad from any point at or near Dyke's store, on the State line between Floyd county, Georgia, and Cherokee county, Alabama, by way of Forney in said Cherokee county, Alabama, to Centre, Cherokee county, Alabama, by the most direct and practicable route, and shall have power to survey, locate, construct, alter, maintain, equip and operate open tracks and short branch lines in any direction from the main line aforesaid, to any manganese, iron, stone or other ore bed, or mineral deposit, or to any collection of valuable timber along, near or from said main line; to receive and carry passengers and freight for reasonable or legal compensation, which they are empowered to collect; to open books and procure subscriptions for stock in manner and at such times and places as may be thought proper by said above named incorporators, and their associates; to borrow money, and to make contracts on account of said road, and to lease, mortgage or sell the same if they choose.

SEC. 3. Be it further enacted. That the capital stock of said company shall not exceed five hundred thousand dollars ($500,000), and shall be divided into shares of one

Capital stock.

hundred dollars each. The stockholders shall elect a board of directors, and each share shall be entitled to a vote. Said stock shall be deemed personal property and may be transferred in such manner as the by-laws of said company shall direct. The board of directors shall elect one of their number president, and such other officers as they may deem necessary, each director being entitled to one vote in such election.

SEC. 4. Be it further enacted, That said company, through its directors, or such agent or person as a majority of them may designate, shall have power to purchase and hold in fee simple, or receive as a gift or devise any lands, tenements, or hereditaments necessary for the building, equipments, furnishing, or operating said road ; also all material for its use, and all rights-of-way over lands, and in all water courses that lie along or across said line of railroad, and that may be necessary for the purposes aforesaid.

SEC. 5. Be it further enacted, That said company may begin operations whenever ten per cent. of the proposed capital stock shall have been subscribed by bona fide subscribers, of whose solvency the board of incorporators shall be satisfied, and when at least two per cent. of the cash subscriptions shall have been paid to the persons authorized to receive it, and when the subscribers, whose subscriptions are dischargable in labor, services or property, at its money value, shall have entered into written contract to perform such labor, or render such services, or to convey and deliver such property, at such time or times as the board of directors may require.

Begin operations when,

SEC. 6. Be it further enacted. That for the purpose of constructing said railroad and branches, the said company is hereby authorized to lay out the same, not exceeding one hundred feet wide; Provided, that no such property shall be taken or applied unless just compensation to the owner shall first be made as required by the constitution of this State, but said company may previously enter upon any lands for the purpose of surveying, locating and laying out its said railroad and structure.

Right of way

SEC. 7. Be it further enacted, That in condemnation proceedings said railroad company shall be governed by the general laws of this State relating to ad quod damnum proceedings.

SEC. 8. Be it further enacted, That said company

shall have full power and authority to construct said railroad through any street in any village or town on the route, as may be agreed upon by the corporate authorities of said village or town.

SEC. 9. Be it further enacted. That said company shall have full power to make such by-laws and rules as may be deemed necessary or convenient for the objects of their association not inconsistent with existing laws.

Approved February 27, 1889.

No. 414.] AN ACT [s. 70

To amend section 3012 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3012 of the Code of Alabama be amended so as to read as follows : Section 3012. "Claims to property levied on under attachment; proceedings thereon."—If any personal property on which an attachment has been levied is claimed by any person not a party to the writ, on making affidavit and executing bond as required when property levied on under execution is claimed, the property must be delivered to the claimant, and thereupon the attachment and such bond and affidavit must be returned by the sheriff or other officer having the property in charge in the same manner, and except as otherwise provided in tills chapter, the same proceedings must be had thereon as in the trial of the right of property levied on under execution; Provided, this right of trial to property shall include any person who holds a lien upon or equitable title to such property; And provided further, that this rule shall apply to trials of the right of property both in circuit or justice courts.

Right of property.

Approved February 27, 1889.

No. 415.] AN ACT [s. 44

To amend section one of an act entitled an act to protect and regulate the time and manner of catching and taking fish from and in the waters of the State of Alabama, in the counties of Talladega, Bullock, Madison, Mobile and Baldwin, so far as the same relates to the county of Baldwin and Mobile county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful for any person or persons to fish with or to use or have for the purpose of fishing, or taking fish from or in any of the waters of this State any gill-net, tresswire net or any net of like kind, or to kill fish with torpedoes, bombs, or poison ; Provided, that the same shall not apply to the county of Baldwin and Mobile county, so far as the same relates to the use of gill-nets; Provided, gill-nets or tresswire nets shall not be used to take fish from the rivers, creeks and bayous in said counties.

Protection of fish.

Approved February 27, 1889.

No. 416.] AN ACT [H. B. 365

To enlarge the criminal jurisdiction of justices of the peace in Conecuh and Calhoun counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in addition to the authority vested in justices of the peace under section 4233 of the Code of Alabama, justices of the peace in and for Conecuh and Calhoun counties be and they are hereby authorized to take cognizance of and exercise jurisdiction in the trial of the following misdemeanors, viz: Abusive, insulting and obscene language, (section 4031); unlawful assemblies, (section 3765); disturbing public assemblies and schools; shooting along and across public roads, (section 4095); removing or defacing mile posts and guide boards, (section 3891); injuring or defacing public buildings or fences, (section 3885); destroying or breaking private fences, (section 3888); malicious mischief ; keeping sheep-killing dogs and hogs, (section 4171); trading in farm products

Jurisdiction of justices of peace.

after night, (section 4141); racing along public roads, (section 4097); tramps; and of petit larceny when the article stolen does not exceed twenty-five dollars in value; .Provided that said justices of the peace shall in no case impose a fine of more than fifty dollars, or sentence to hard labor for more than six months; And provided further, that nothing herein contained shall be so construed as to prevent said justices of the peace from exercising their prerogative of binding offenders for their appearance to the circuit court of said counties when, in their judgment, the gravity of the offense demands the infliction of a greater degree of punishment than is herein provided for.

Approved February 27, 1889.

No. 417.] AN ACT [H. B. 899

To amend section 1420 of the Code of 1886, so far as the same relates to Bullock and Lowndes counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1420 of the Code of 1886 be and the same is hereby amended so far as the same relates to Bullock and Lowndes counties. If any other instruments than ordinary farming tools are necessary to keep the road in repair, the overseer may receive them in exchange for labor of hands, or lie may apply to the court of county commissioners, which court may authorize him to contract for such, and to such an amount as in its discretion it thinks proper, and pay for the same out of the county treasury. But if the overseer of any road cannot procure a wagon and team in exchange for labor of hands, and provided ho cannot properly repair the road without the use of a wagon and team, lie may hire a two-horse wagon and team for not more than two dollars per day, or a four-horse wagon and team for not more than three dollars per day; Provided, that mules or oxen may be substituted for horses. Said overseer shall furnish the person from whom he hires such wagon and team, after such services as have been contracted for have been rendered, a certificate of such services, which he may present to the court of county commissioners, and if, upon examination, said court shall find the same correct and just, it

Working public roads.

shall order the same paid out of the county treasury; Provided, that no overseer shall hire a wagon and team until he has first endeavored to procure one in exchange for labor of hands, and failed to procure the same; Provided further, that no overseer shall hire a wagon more than four days in any one year.

Approved February 27, 1889.

No. 418.] AN ACT [H. B. 391

To amend section 3685 (5030) of the Code, so far as it applies to Barbour county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That subdivision of section 3685 (5030) of the Code be amended so as to read as follows: Section 3685, (5030). Fees allowed to judges of probate.—All other official duties for the compensation of which no express provision is made by law, such sum as may be allowed by the court of county commissioners to be paid out of the county treasury, not exceeding $400 per annum; Provided, this act applies alone to Barbour county.

Fees.

Approved February 27, 1889.

No. 419.] AN ACT [H. B. 590

To be entitled an act to amend an act entitled an act to incorporate the town of Prattville, approved February 19, 1872.

SECTION 1. Be it enacted by the General Assembly of Alabama, That so much of section two (2) of an act entitled an act to incorporate the town of Prattville, which reads as follows, to-wit: Which election shall be held and conducted by any two councilmen, be amended so as to read as follows, to-wit: Which said election shall be held by two managers of election, to be appointed by said council, said managers to be qualified electors under the laws of the State of Alabama, and not members of said council, and to reside within the corporate limits of said

Elections.

town; and in case the managers so appointed fail to hold said election, then any two qualified electors within the corporate limits of said town may hold said election; Provided, that said managers, or if they fail to hold said election, said electors who may hold the same, shall take an oath, which may be administered by any officer authorized by law to administer oaths, to hold and conduct such election fairly and truly, to count and return the votes thereof.

Approved February 27, 1889.

No. 420.] AN ACT [H. B. 206

To ratify and confirm the purchase of lands of the estate of William M. Murphree, deceased, by the mayor and councilmen of Troy, and the contract made by said mayor and councilmen with the Public School Building Company of Troy, Alabama, for the payment of the buildings erected on said lands for the State Normal School and the public schools operated in connection therewith.

SECTION 1. Be it enacte by the General Assembly of Alabama, That the purchase by the mayor and councilmen of Troy of the lands of the estate of Wm. M. Murphree, deceased, and the contract made with the Public School Building Company, of Troy, Alabama, for the payment of the buildings erected on said lands for the State Normal School at Troy, and the public schools operated in connection therewith, be and the same is hereby, in all respects, ratified and confirmed. Purchase, etc. confirmed.

Approved February 27, 1889.

No. 421.] AN ACT [s. 378

To appropriate the two and three per cent fund.

SECTION 1. Be. it enacted &y the General Assembly of Alabama, That the sum of twenty-four thousand dollars of the three per cent fund now in the treasury of

Alabama be and the same i8 hereby appropriated to "The
Appropriations. Alabama Midland Railway Company," a corporation duly
organized and created under and by virtue of the laws of
said State, to be used by said company exclusively in the
building of said railroad now in the process of construc-
Alabama Mid- tion from Gordon in Henry county, Alabama, to the city
land. of Montgomery, in said State ; ten thousand dollars to
be paid when the grading is completed through Henry
county; ten thousand dollars when the grading is com-
pleted through Dale county, and the remainder when the
grading is completed to Troy, Alabama.

SEC. 2. Be it further enacted. That the sum of nine-
teen thousand dollars of the said two per cent fund now
in the treasury of Alabama, be and the same is hereby
appropriated to aid in securing the location, construction
and building, or consolidation of a line of railway under
one ownership or management from the city of Mobile,
Mobile and crossing the Bigbee river at or near Coffeeville, Alabama,
Florence. via Tuskaloosa to the city of Florence, on the Tennessee
river, in this State, and for this purpose, R. T. Simpson,
of Florence, Alabama, J. E. Isbell, of Isbell, Alabama,
N. N. Clements, of Tuskaloosa, Alabama, W. E. Tuns-
tall, of Greensboro, Alabama, E. W. Price, of Dayton,
Alabama, T. J. Cowan, of Coffeeville, Alabama, Price
Williams, jr., of Mobile, Alabama, be and they are here-
by appointed commissioners, whose duty it shall be to des-
ignate the railroad fulfilling the requirements of this act,
and to whom the money appropriated by this section
shall be paid, and when ten miles of said proposed line
shall have been built at or near the city of Mobile, by the
corporation designated by the commissioners, then ten
thousand dollars of the amount herein appropriated shall
be paid to said company by the governor, and when ten
miles additional shall have been completed on the same
line in Marengo county, Alabama, and by the same cor-
poration, forty-five hundred dollars of the remainder of
the amount appropriated under this section shall be paid
by the governor, and when ten miles additional shall have
been completed on the same line and by the corporation,
at or near the city of Florence, Alabama, the remainder
of such sum shall be paid by the governor.

SEC. 3. Be it further enacted, That the sum of nine
thousand two hundred dollars of the two and three per
cent fund now in the treasury is hereby appropriated to

aid in the construction of a railroad from Meridian, Mississippi, through Sumter and Pickens counties, of this State, in the direction of Decatur, Alabama, known as the Warrior Coal Field. Warrior Coal Field Railroad Company. The appropriation herein made by this section to be paid to the railroad company when ten miles of said line shall have been built in Pickens county, Alabama.

SEC. 4. Be it further enacted. That whenever the governor shall be satisfied that the conditions upon which the several appropriations herein made, have been complied with, he shall draw his warrant "on the auditor for the amount found due, and the same shall be paid by the treasurer, out of the money in the treasury to the credit of the two and three per cent fund.

SEC. 5. Be it further enacted. That ten thousand dollars of the first moneys which may hereafter be received by the State of Alabama, from the government of the United States of America, on account of what is known as the two and three per cent fund, be and the same is hereby appropriated to the construction of a railroad from the city of Montgomery, in the State of Alabama, to the town of Syllacauga, in the county of Talladega, in said State, by a company to be styled the Montgomery and Syllacauga Railroad Company, under a charter granted by the general assembly of tills State, by an act, approved the 11th day of February, 1889, which said sum of ten thousand dollars shall be paid out to said railroad company under the warrants of the governor of the State of Alabama, as the same may from time to time be received in the treasury of the State of Alabama, but no part of said money to be paid to said railroad company until the governor of the State of Alabama shall be satisfied that ten miles of said railroad shall have been actually bona fide and properly graded, which is to be determined by him ; Provided however, this act shall cease to have effect if said ten miles of said railroad shall not be graded, as aforesaid, within two years from the approval of this act; Provided further, that the further sum of ten thousand dollars of the moneys which may be hereafter received in the same manner and on the same account, shall be and the same is hereby appropriated to the construction of the line of railroad already surveyed from the town of Camden in Wilcox county, by way of the town of Hayneville, in Lowndes county, Montgomery and Syllacauga Montgomery Hayneville and Camden.

towards the city of Montgomery, by the Montgomery, Hayneville and Camden railroad company, and the said sum shall be paid out by the governor in the same manner as required in this section; and that next after the preceding appropriation for the Camden and Hayneville railroad there is hereby appropriated the further sum of five thousand dollars of the moneys which may be hereafter received in the same manner and on the same account, for the construction of a line of railroad, to be built between the town of Newbern and Uniontown in the county of Perry, and State of Alabama, and the said sum shall be paid out by the governor in the same manner as required by this section.

Newbern and Uniontown.

SEC. 6. Be it further enacted. That before paying out the sums above enumerated, the governor shall take a bond, with sufficient security to be approved by the governor, and conditioned that the money thus appropriated shall be applied to the purposes herein intended, or the money so paid shall be returned to the State.

Bond.

SEC. 7. Be it further enacted. That unless the lines of said railroads mentioned in this act shall be commenced, and so far completed, as to be entitled to the benefits secured by this act within two years from approval of this act, then the general assembly may make such other disposition of the said fund as it may deem best.

Two years.

Approved February 26, 1889.

No. 422.] AN ACT [H. B. 797

For the relief of Joseph W. Cunningham and Mrs. A. A. York, of Clarke county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That immediately after the approval of this act, the judge of probate of Clarke county shall draw his warrant on the county treasury of said county in favor of Joseph W. Cunningham and Mrs. A. A. York, for the sum of three hundred dollars, being the amount of the forfeited bail bond of J. Oscar York, which was forfeited at fall term 1884 of the circuit court of said county, and which has been paid by said Cunningham and said Mrs.

Money to be refunded.

York. Said warrant to be a preferred claim against the fine and forfeiture fund of said county.
Approved February 26, 1889.

No. 423.] AN ACT [s. 190

To incorporate the Alabama Fuel, Light and Power Manufacturing and Supply Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That D. T. Parker, Gaylord B. dark, P. D. Barker, C. E. Thames, F. B. Clark jr., T. B. Gillen, and their assigns, associates and successors be and are hereby constituted a body politic under the name of the Alabama Fuel, Light and Power Manufacturing and Supply Company, with the right after organization, upon a vote of two-thirds of the stockholders, to change the name to any other which said company may think desirable, provided that a certified copy of the resolutions of said board changing said name shall be filed with the secretary of State before the said company shall be allowed to do business under said changed name. Name.

SEC. 2. .Be it further enacted. That the said company shall be authorized to manufacture illuminating gas for fuel and light, and to establish a steam or electric power and light plant and to supply any city, town, village, or community within the State of Alabama, with which said company may contract, or the inhabitants of any such city, town or village, with such gas or with natural gas for illuminating, heating or industrial purposes, or with steam or the electric power and light. And any city or town desiring to secure such gas or electric light is hereby authorized to contract with said company for such gas or electric light for lighting the streets and other public places and buildings for a term of not exceeding twenty years from the date thereof, and such city or town may in such contract prescribe the kind and quality of gas to be supplied thereunder by said company ; Provided, that said company shall not charge exceeding two dollars per thousand cubic feet for gas furnished to municipalities of more than four thousand inhabitants, or to the citizens thereof unless to accommodate individ- Powers, rights, etc.

uals or neighborhoods said company shall by contract with proposed consumers, extend its pipes beyond the limits of its mains and plant, in which case such consumers may be charged such price as may be agreed upon between such consumers and said company.

SEC. 3. Be it further enacted. That said company, after having first obtained the permission of the proper city authorities so to do, power to grant such permission being hereby conferred upon such cities and towns, may lay its mains and pipes, or erect its posts in or under the public streets, and across the public commons of any city or town or village in which said company may establish a gas or electric light or steam power plant, but such gas or steam mains shall be laid at such depth, and such poles shall be of such size and erected in such places, and the wires thereon strung in such manner, and such steam and gas mains and pipes, and electric posts and wires maintained under such reasonable regulations as may be prescribed by a contract entered into with such city, and subject to such changes as may be thereafter shown to be necessary for the public comfort or safety; Provided, that after a contract has been entered into as above provided no unreasonable or burdensome change in the mains, poles or plant shall be required of such company nor changes not rendered necessary for the comfort or safety of the public.

SEC. 4. Be it further enacted. That said company may adopt and enforce such reasonable rules and regulations in reference to the consumption or saving of steam, gas or electricity, and for the payment therefor, as may be deemed by it desirable for its protection in the premises or for the preservation of its plant and the use of its apparatus and fixtures, and may cut off or decline to furnish steam, gas, or electricity to persons in arrears for the same, and may require a bond for the care and safe return of all meters or other apparatus put upon the premises of any customer or consumer.

SEC. 5. Be it further enacted. That if any person shall willfully inquire or destroy any of the structures, machinery or plant of such company, or shall unlawfully tap its mains, pipes or wires for the purpose of drawing off steam, gas or electricity therefrom, or shall unlawfully interfere with the operation of the same, shall be guilty of a misdemeanor and on conviction thereof shall be

fined not exceeding five hundred dollars, and shall be liable to said company for double damages suffered by it because of such unlawful act.

SEC. 6. Be it further enacted. That a meeting for the purpose of organization of said company may be called by a majority in number of said corporators after giving five days personal notice, or five days notice by publication in a regularly published newspaper at the place of such meeting, a copy of which shall be mailed to each incorporator. Any incorporators may be represented at such meeting by proxy. A majority shall govern the action of such meeting which may adjourn to another day without further notice. Such meeting of corporators shall provide for the opening of books of subscription, the amount of the capital stock to be offered and subscribed prior to the organization, and shall call a meeting of the subscribers to such stock upon the closing of such books. The subscribers, a majority being present in person or by proxy, shall thereupon elect from their number a board of not less than three nor more than five directors, who shall hold office for one year, or until their successors are elected and qualified, which board shall have the general management of the affairs of the company, excepting in so far as they may he limited by the by-laws adopted by the stockholders. A vacancy in the board of directors shall be filled by the remaining members. The directors shall annually elect a president who shall hold office, at the will of the board, or as may be provided by the by-laws of the company.

Organizations

Directors

SEC. 7. Be it further enacted, That the capital stock of said company shall be one hundred thousand dollars divided into shares of one hundred dollars each, that the said company shall be authorized to increase its capital stock to an amount not exceeding two million of dollars upon vote of the majority of the stockholders at a meeting regularly convened for the purpose of which thirty days notice shall be given by publication in some paper regularly published at its place of business, once a week for three consecutive weeks; Provided further, that said company shall not commence the election of any plant as authorized by this charter until fifty thousand dollars shall have been first subscribed bona fide to the capital stock of said company, nor until an amount equal to twenty per cent. of said fifty thousand shall have been actually paid

Capital stock

to said company on subscriptions to its capital stock, nor until an additional amount equal to eighty per cent. of said fifty thousand dollars subscription shall have been duly secured bona fide to be paid to said company on subscription to its capital stock. And said company is authorized to acquire, hold and use all such real and personal property as is necessary for the purposes of said corporation. And for the purpose of borrowing money, or paying its debts, said company is authorized to mortgage its plant or any portion thereof, or sell the plant or any portion thereof, erected by it at any particular place, and the contracts connected therewith, without prejudice to the right of said company to own and operate other plants which may have been or may hereafter be established by it; Provided, that said company shall not be allowed to sell its plant nor any of its capital stock to any existing gas or electric company in any town or city of Alabama in which said company may establish a plant, nor shall said company make with any such existing gas or electric light company any combination for fixing the price of gas or electric services ; Provided further, that neither said company nor any stockholder thereof shall receive from any existing gas or electric light company any money or property as a condition or as a consideration for the refusal of said company to erect any gas or electric lights in any city or town in which any such existing gas or electric light company has a plant and on conviction of a violation of the terms of the foregoing proviso the said company or stockholders as the case may be, shall forfeit and pay to the company from whom such exaction was made, the sum or sums so paid with the interest thereon and shall also forfeit and pay to the State of Alabama an equal amount to be recovered in a qui tam action in the name of the State ; Provided further, that if said corporation shall sell out any plant it may establish, or sell its franchises, to any gas light company now existing in any town or city that said sale shall operate a forfeiture of its charter; Provided further, that it shall be unlawful for said corporation to buy the plant or franchise of any existing gas company, and the purchase of said plant or franchise by said corporation shall operate a forfeiture of the charter of the corporation herein created.

May sell its plants.

Combinations not allowed.

SEC. 8. Be it further enacted. That nothing herein contained shall be so construed as to confer upon said company any exclusive privilege to establish plants or to furnish steam, gas or electric light or power in or to any of the towns or cities of Alabama. This act shall take effect from and after its passage ; Provided, the provisions of this act shall not apply to the counties of Dallas, Pike and Montgomery, and at no probate or other court in this State shall have the power to confer said power upon said company, and said corporation shall not have or exercise any of its powers or franchises in said counties.

Approved February 26, 1889.

No. 424.] AN ACT [s. 385

To amend section 149 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 149 of the Code, be so amended as to read, as follows: Section 149. The commissioner must submit monthly to the governor, an account of the expenses of the department for the preceding month, and an estimate of the expenses for the sueceeding month, and with the approval of the governor endorsed thereon, may retain from the moneys in hand or draw from the funds in the treasury, to the credit of the department of agriculture, the amount of such estimate, not to exceed the sum of five hundred dollars, to meet such expenses, not including the salary of the commissioner; such estimate, with the approval of the governor, to be filed in the office of the auditor. The traveling expenses of the commissioner and clerks, and of the chemist, may be paid from the money so retained. On all cases, the accounts of the commissioner, clerks and the chemist for traveling expenses must be verified before payment.

Expenses department of agriculture.

Approved February 28, 1889.

No. 425.] AN ACT [H. B. 674

To confirm the incorporation and organization of the Florence Railroad and Improvement Company, and to define and declare the powers of the said company.

SECTION 1. Be. it enacted by the General Assembly of Alabama, That the incorporation and organization of the Florence Railroad and Improvement Company, heretofore had under the general laws of this State, and by and under proceedings had in the probate court of Lauderdale county, be and the same is in all things confirmed.

Corporation confirmed.

SEC. 2. Be it further enacted, That said corporation shall have and possess all the rights, powers, franchises, privileges and immunities, by the general laws of the State conferred on private corporations, organized for mining, manufacturing, or other industrial business, and all general laws applicable to such private corporations, shall be and are hereby made applicable to the said corporation, the Florence Railroad and Improvement Company.

Rights, powers, etc.

SEC. 3. Be it further enacted, That said corporation, the Florence Railroad and Improvement Company, has power to lay off its lands into lots and parcels, and to lease, sell, donate and convey the same; to make donations of its lauds or other property or effects to individuals or other corporations, for the construction of railroads leading to or from the town of Florence, or its vicinity, or to and from the mines and quarries of said corporation, or to individuals or other corporations; to aid in the erection or operation of furnaces, mills, factories, workshops, foundries, or other industrial enterprises in said town of Florence, or its vicinity, or to become a stockholder in any and all private corporations, organized for the carrying on in said town or vicinity, of any industrial or educational enterprises or business ; to construct and operate furnaces, mills, foundries, presses, compresses, wharves, elevators, factories, workshops or machine shops, in said town, or its vicinity; to own and operate ferries, steam boats, barges and other water crafts, crossing or navigating the Tennessee river and its tributaries; to

erect and operate in said town of Florence, or its vicinity, gas works, electric light and power works, and water works, for supplying said town and vicinity, with light and water; to construct and operate in said town of Florence and its vicinity, for a distance of ten miles from the corporate limits of said town, railways for the carriage of persons, or the transportation of property, taking for such carriage or transportation, reasonable fares or tolls, and using such motive power as may be deemed best, but without the consent of the corporate authorities of said town, must not use the streets thereof; and to keep and maintain wharves, depots, and ware houses, on its own land in or near the said town of Florence.

Approved February 28, 1889.

No. 426.] AN ACT [s. 204

To amend the charter of the Mobile Street Railway Company, and to ratify the organization and confirm The franchises granted to, and the obligations entered into by, and the contracts made with said company.

Be it enacted by the General Assembly of Alabama, That the charter of the Mobile Street Railway Company be amended, so as to read as follows :

SECTION 1. T. G. Outlaw, L. de V. Chaudron, R. K. Warren and Gaylord B. Clark, of the city of Mobile, and their successors and associates, are hereby constituted a body politic and corporate, with the power to construct and maintain and operate street and suburban railroads in the city of Mobile and in the conntry adjacent thereto. Corporators.

SEC. 2. The name of the said company shall be the "Mobile Street Railway Company," but the said company shall have the right to change its name by a two-thirds vote of the board of directors, at a regular meeting of said board; Provided, that a copy of such resolution, duly certified by the secretary and the president of said company under the seal of the company, shall be filed in the office of the secretary of state. Name.

SEC. 3. The said company shall have perpetual succsssion, and the right to sue and be sued in its corporate name; also, to have and use a common seal and rights, powers, the same to alter at pleasure; to appoint such officers, etc. agents or servants as the business of the corporation may require, fixing their duties and compensation and removing them at pleasure.

2. To make such by-laws and rules as are necessary for the regulation of its business, and the management of its property, the transfer of the stock and for the creation and preservation of a lien on the shares of the stockholders for any debt or liability incurred by them to the corporation.

3. To acquire, hold, dispose of and convey such property, real and personal, as may be necessary or convenient for the uses and business of the corporation, and also such other property, real, personal or mixed, as may seem to the directors expedient or desirable for the said company to own, use and operate as an adjunct to or in connection with its lines of railway, such as public gardens, parks, public baths, restaurants, refreshment stands, and the like, and may conduct concerts, theatres and other lawful amusements, and may receive" therefor, or for admission thereto, such compensation as may be charged by said company.

4. To construct, maintain and operate street railways upon any of the streets of the city of Mobile or any of the public roads of the county of Mobile for which a consent has been or shall hereafter be obtained by the written authority, or by ordinances or by-laws duly adopted by the proper authorities of the city of Mobile, or by the orders or resolutions properly passed by the Board of Roads and Revenue of Mobile county.

5. To borrow money and to secure the payment thereof by mortgage or deed of trust conveying all or any portion of its railroad property and railroad franchises, not exceeding its capital stock, and at an interest not exceeding eight per cent. per annum payable semi-annually. And said railway company may, in addition, also mortgage any portion of its property, real or personal, owned by it, other than its railway property and franchises, notwithstanding it may al-

ready have placed upon its road bed, rolling stock, equipment and franchises a mortgage deed to the full amount of its capital stock.

SEC. 4. The proper officers of the city of Mobile have authority to contract to and with said company with reference to the use of the public streets and roads within the said city, the manner of construction of the railways, the mode of operating the same and the compensation for carriage of persons or property thereon. And the said company may make with the authorities of said county similar contracts as to the manner of construction and mode of operating such lines on the public roads of the county ; and such contracts with said city or county may be altered as agreed upon by both of said parties ; and the said company is entitled to compensation for the carriage of persons and property at such rates as may be fixed by agreement with the authorities of the city of Mobile, or, in the absence of an agreement fixing tlie same, they may demand and receive not exceeding five cents per mile or fraction of a mile, between five o'clock a. m., and eleven o'clock p. m., and not exceding ten cents per mile or fraction of a mile during the remaining hours of the day.

Contracts with city.

Prices

SEC. 5. Be it further enacted, That the said railway company is authorized to purchase, take and own the capital stock of any other street or suburban railway or dummy line operated within the city or county of Mobile, and may lease or sell any of its lines to any other street or suburban railway or dummy line company, or person authorized to operate such lines in said city or county, or may rent or purchase or contract for the joint use of the line of any other street or dummy line company operating lines in said city or county, or make joint stock or consolidate with such other railways or lines; and the capital stock standing on the books of any other street, suburban or dummy line railway company in the name of the said Mobile street railway company, may be voted as directed by the board of directors, or as may be determined by the by-laws of said company, or, in the absence of any by-law or resolution of the board of directors, by the president of said company.

May purchase or sell.

SEC. 6. The stock holders of said company shall elect annually from their number a board of not less than

three nor more than seven directors, who shall hold office for a term of twelve months and until their successors are elected and qualified. All vacancies in the board shall be filled by the remaining members; and the management of the property and the business of the corporation shall be under the control of the directors, who shall have the power to elect and appoint all officers, agents and servants, fixing their compensation, prescribing their duties and removing them at pleasure, or to delegate the appointment of subordinate officers and agents to the superior officers of said company, and to exercise such other powers as may be delegated to them by the by-laws of the adoption of the stockholders. The said board of directors shall elect from their number a president and vice president, and also elect a secretary, who shall hold office for the term fixed by the by-laws of said company.

Directors.

SEC. 7. The capital stock of said company shall be five hundred thousand dollars, divided into shares of fifty dollars each, which capital stock may be increased by vote of the persons holding the larger amount of the value of stock, at a meeting of the stockholders called for that purpose, of which meeting and the purpose for which it is called, thirty days notice must be given the stockholders by publication for four consecutive weeks in some newspapaper published in the city of Mobile, and notice shall be sent to those stockholders personally, whose residence is known, by mailing them a copy of such notice to their post office address. If, at any such meeting, the persons holding the larger amount in value of the stock vote for such increase, the proceedings must be reduced to writing, signed by the president and each of the executive officers of the corporation and filed and recorded in the office of tlie judge of probate of Mobile county.

Capital stock.

SEC. 8. The stockholders must meet annually at such time and place in the city of Mobile, and on such notice as may be prescribed by the by-laws. At all stockholders' meetings, any stockholder may be represented by proxy, and each stockholder shall be entitled to vote in proportion to the number of shares held by him ; stock transfer books may be closed ten days prior to any regular or special stockholders' meeting.

Stockholders.

SEC. 9. The said company may acquire by gift, purchase, or condemnation, real estate for its roadway or for its railways, not exceeding fifty feet in width for a suburban railway or dummy line ; and the said railway company shall have the right to condemn, acquire title to, and take possession of, such land on payment to the owner thereof a just compensation, in manner now provided by law for taking private property for railroads and for other public uses.

Right of way.

SEC. 10. Any person who shall intentionally place upon the track or upon any switch or turn-table, or upon any of the railways of said company, any stone, rock, torpedo, cartridge or other obstacle, or shall throw any stone or other missile, or shall shoot at or into any motor, locomotive or car upon said railway, or at the animals drawing the same, or at any person, on or in such motors, cars or locomotives, or who shall willfully interfere with the officers or servants of said company in the performance of their duty in the repair, preservation, maintenance or operation of said road, or who shall by force or other means seek to prevent, hinder or intimidate any of the officers or agents of said company in the performance of their duties, or who shall willfully or maliciously remove, obstruct, break or otherwise injure any of the railways or property of the said company, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding five hundred dollars, and may also be imErisoned in the county jail or sentenced to hard labor for the county for not exceeding twelve months for each and every such offense so committed by him or them; and the mayor of said city, or any justice of the peace therein, shall have jurisdiction to try and punish such offenders ; and all such persons shall be liable to said company in double the amount of the actual damage caused by such illegal acts, also for exemplary damages when warranted by the circumstances; and a conviction under this section shall not prevent the prosecution of the offender for any greater offense embraced within the illegal act, nor shall this act preclude the prosecution of such person under any other law applicable to the case.

Interfering with property of company.

SEC. 11. The said railway company shall have the superior right of way on its lines for its motors and

cars over all other vehicles, whether going in the same or opposite directions, and it shall be the duty of the drivers of all such other vehicles to promptly turn them aside upon observing or when notified of the approach of such motor or car, and any person driving a vehicle on the track of said company and obstructing the same, and failing to turn aside promptly when in proximity to and upon seeing or being warned of the approach of such motor or car, or when requested so to do, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding fifty dollars. Justices of the peace and the mayor of Mobile shall have jurisdiction to try all cases arising under this section.

Obstructing track

SEC. 12. That said company may make reasonable rules and regulations to prevent persons from smoking on any car or any part thereof, and to prevent persons from carrying on the cars of said company fish, fowls, game, dogs, or other things likely to soil said cars or incommode the passengers thereon; and to prevent drunken persons from getting on or from riding on said cars and to enforce the depositing of fares in boxes provided in said cars for the purpose, or by payment to the conductors thereof, or to a gate keeper; and to prevent children and others not intending to become passengers from jumping or riding upon the platforms or steps of such cars, and to prevent persons from jumping on or off said cars while the same are in motion; and to enforce order, decorum and cleanliness in said cars. Any person who shall smoke or attempt to carry fish, fowls, game, dogs or other things likely to soil said cars or incommode the passengers thereon, or who shall be drunk, or who shall refuse to pay fare in the manner required by the rules of said company, or who shall be guilty of any disorderly, rude or indecorous conduct, or improperly interfere with the conductor or driver or other passengers on said motors or cars, or the animals drawing the same, or who shall otherwise disobey the proper rules and regulations of said company, may be required to leave said car or be excluded therefrom; and any such person who shall fail or refuse to obey such proper regulations of said company, when notified so to do by the driver or conductor of such car, or who shall decline to leave such

Rules and regulations.

car when properly directed so to do, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding fifty dollars for each and every such offense. The mayor of Mobile and justices of the peace in said city shall have jurisdiction to try and punish all such offenders.

SEC. 13. Any conductor, driver, or ticket agent whose duty it shall be to sell tickets to, or to collect fares from passengers, or to give change to passengers for the purpose of enabling such passengers to pay or deposit their fares in boxes provided therefor, or who, for the sale of tickets or for the purpose of depositing the same in said boxes, or as payment of any passenger's fare, or who without authority shall collect fare from passengers, shall receive any money, ticket, check or other thing which, under the regulations of said company, can be used for the payment of fare, and who shall intentionally fail to properly account for or pay over to said company the said money, ticket, check, or other thing received for fare, and in the manner in which, and at the time when, by the rules and regulations of the said company, he is required so to account for or pay over such fares, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished for the first offense by a fine not exceeding one hundred dollars, and by imprisonment in the county jail, or by sentence to hard labor for the county for not exceeding three months, and for any subsequent offense by a fine of not less than one hundred nor more than five hundred dollars, and by imprisonment in the county jail, or sentence to hard labor for the county for not less than three nor more than twelve months; and testimony that such agent, conductor or driver has failed to place the money, tickets, checks or other token for fare in the box or receptacle provided therefor by the rules and regulations of the company, and testimony that such conductor, driver or agent has failed to properly and promptly register the collection of such fares on any indicator, register, bell-punch, or the like, furnished by said company and required to be used by such agent, conductor or driver for the purpose of registering the number of passenger fares collected, shall be evidence that the said conductor or driver intended to

Defaults of employees.

defraud the company of said fares so failed to be deposited or so failed to be registered, and that he is guilty of the offense hereinbefore defined, and the mayor of said city of Mobile and justices of the peace therein shall have jurisdiction of any such offense.

SEC. 14. The organization of the Mobile Street Railway Company, originally made under its act of incur-
Acts confirmed. poration, now on file in the office of the secretary of state, be and the same is hereby in all things ratified, confirmed, and said company is declared to be a legal corporation, and the several ordinances of the city of Mobile, passed in relation to the Mobile Street Railway Company, and conferring upon said company the privileges and franchises therein set forth, and the amendments to said ordinances, and the orders and resolutions of the board of roads and revenue of Mobile county, and the mortgage executed and the bonds issued by said company thereunder, and the contracts made by and with said company, where not in violation of the public policy and general laws of Alabama, and. not contrary to the provisions of this act, be and the same are in all things hereby ratified and confirmed, and are declared to be valid acts of the respective parties thereto.

SEC. 15. Be it further enacted. That each and every street car conductor or inspector shall be a conservator of the peace and have all the powers and duties of
Police power. police officers in the city of Mobile as to all offenses committed on their cars, or in connection with the operation of the said road.

SEC. 16. Provided, That section 11 shall not be so construed as to give the cars and motors of said street
Fire depatm't railroad company a precedence or right-of-way over the engines and trucks of the fire department, when going to a fire, or when responding to an alarm of fire.

Approved February 26, 1889.

No. 427.] AN ACT [H. B. 316

To amend an act entitled an act to establish the Warrior Agricultural District, to provide for the securing of the same and the management of its affairs, approved February 12, 1879, and amended by the General Assembly of Alabama, and approved February 13, 1885.

SEC. 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to establish the Warrior Agricultural District, to provide for the securing of the same and the management of its affairs, be amended so as to read as follows, to-wit: An act to establish the Warrior Agricultural District, to authorize the erection of an outside fence and to dispense with inside fences, and to levy taxes to erect said fence and to defray all the current expenses of said district. That section one of said act be amended to read as follows, to-wit: That from and after the passage of this act, there shall be established in the county of Tuscaloosa a district to be called "The Warrior Agricultural District," to be amended as follows, to-wit: Starting from the Black Warrior river on the section line running south between sections 20 and 21, thence south ou said section line, and on the dividing line between sections 28 and 29, to the southeast corner of section 29; thence east along the dividing line, between sections 28 and 33, to the northeast corner of section 33; thence south with the dividing line between sections 33 and 34 to the township line on the east and south side of the Alabama Great Southern railroad track; thence along the east side of said railroad to the 204 mile post; thence east along the line between the lands of Houston Hays and Robert Spiller and along the line between the lands of Robert Spiller and Benjamin Rosser to the Greensboro road; thence south along the the west side of Greensboro road to a point at which said road crosses the section line between sections 10 and 15, running thence west along the said line between sections 10 and 15 and sections 9 and 16 to the southwest corner of the southeast quarter of section 9, township 24, range 5 east; thence north along the

Stock law district.

line between the southeast quarter of section 9 and the southwest quarter of section 9 to the centre of section 9; thence west along the line between the southwest quarter of section9 and the northwest quarter of section 9 to a point on the line between sections 8 and 9;. thence north along the line between sections 8;ind 9 to the Warrior river; thence up the Warrior river to the point of beginning; Provided, that the land owners within the new extension of the Warrior Agricultural District shall build a good, substantial and lawful fence from the said 204 mile post along said described line southward to the Warrior river, and keep the same in good order and repair without aid or expense to the old or former Warrior Agricultural District; Provided, further, that when said substantial and lawful fence shall be built as above described, then the extension of said Agricultural District shall be governed by the rules and regulations of the Warrior Agricultural District. That section three of said act be amended to read as follows, to-wit: That until the first annual election is held, Frank S. Moody, James K. Maxwell, Thomas L. Carson, L. M. Clements, A. B. McEachin and B. Freidman, all owning lands in said district, are hereby appointed and empowered to act as commissioners. That section eight of said act be amended so as to read as follows, to-wit : That the commissioners' court of the county of Tuskaloosa shall, at the request of the commissioners of said district, in addition to the taxes for county pur-

Special tax. poses, levy, and cause to be collected, a tax not to exceed one-half of one per cent. on the assessed value of all the land within the bounds of said district, for the first year, beginning on the first day of January, A. D., 1885, and one-half of that amount for each succeeding year, the first assessment to be made within thirty days after the passage of this act or as soon thereafter as practicable, and to be due and payable and to be collected with like remedies as are provided for the State and county taxes, which said taxes shall be assessed by the county assessor and collected by the tax collector of the county, and when so collected shall be paid over by said collector to the commisioners of said district; Provided, that said tax collector shall be liable on his official bond for the faithful collection and

accounting for said tax. That section 12 of said act be amended so as to read as follows : That the provisions of this act, contained in sections 10 and 11, relating to estray animals and impounding the same, can not be enforced until thirty days after the passage of this act, and until said outside fence is completed; that no greater fee than two dollars, each cow, can be charged for impounding stock, and no other costs than reasonable charges for feeding and attending to said impounded stock, but it is provided that in case any stock is impounded, as provided for in this act, which have caused damage to any crops within said district by trespassing thereon, then the owner thereof must first pay the amount of said damage to the owner of said crops so injured, before he can reclaim said stock, the said damage to be estimated by the said district commissioners, any three of whom shall constitute a quorum for said purpose ; and it is provided that either party may appeal from the award of said commissioners to the circuit court in the same manner that appeals are allowed from justices of the peace ; and it is further provided, that in case the stock impounded under this act is not called for by the owner within ten days, or in case the owner fails for tan days to pay the costs and charges of impounding, or the amount of damages awarded for injury to crops, as the case may be, the pound-keeper, who has charge of said stock, shall advertise the same for sale as follows, to-wit: If the owner be unknown, then the same must be advertised in some newspaper published in Tuskaloosa county for one week ; but if the owner be known, then said advertisement shall be for three days by written poster at the court house door, but the former notice shall only be required in the cases of horses, mules and work oxen. All sales under this act shall be at the pound where the stock is held, and for cash. It is further provided that the proceeds arising from said sales, shall be applied as follows, by the pound-keeper making the same: First, to the payment of the costs of sale; second, to the payment of the fees, costs and charges of the pound-keeper; and third, to the payment of the damage chargeable to said stock, if any there be, and in case a surplus should remain, then the said pound-keeper shall pay over the same to the treasurer of the said district.

Fees, damages, etc.

Sales of stock.

Approved February 27, 1889.

No. 428.] . AN ACT [H. B. 478

To empower the court of county commissioners of Talladega county to grant petitions made by two or more persons owning farms adjoining, to put outside fences and gates across public and private roads in non-stock law districts, for their mutual protection, in Talladega county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That when two or more persons owning farms adjoining in non-stock law districts in Talladega county, shall make application in writing to the court of county commissioners, to unite in building outside fences around said adjoining farms, and putting gates across public and private roads, then the court of county commissioners shall, in their discretion, grant said petitions for such enclosures, and the same shall be declared a stock-law district.

Stock law district.

SEC. 2. Be it further enacted. That if any person so inclosed, shall violate the agreement entered into by the parties asking for the enclosure of their farms by turning in or allowing stock to damage the crops of either party, then the damage claimed shall be assessed by three disinterested men, who shall make the assessment of damages sustained by such party or parties in writing, and sign their names to it, which assessment of damages shall then be in full force as a judgment, and be collected if resisted as provided for in all civil suits; Provided, this act shall also apply to Calhoun.

Damages.

Approved February 28, 1889.

No. 429.] AN ACT [s. 252

In relation to criminal insane persons, who are charged by indictment with murder and other high crimes.

SECTION 1. Be it enacted by the General Assembly of Alabama, That every person charged with crime is presumed to be responsible for his acts, and the burden of proving that he is irresponsible is cast upon the accused.

Responsibility for crime.

The defense of insanity in all criminal prosecutions shall be clearly proved to the reasonable satisfaction of the jury-

SEC. 2. Be it further enacted. That when any person is indicted for murder, rape, robbery, arson or burglary, or any grade of these crimes, or any attempt to commit them, punishable capitally or by imprisonment in the penitentiary, he shall not be put on trial if he be at the time insane to such an extent as to be incapable of understanding the proceeding or making his defense.

Insane not to be on trial.

SEC. 3. Be it further enacted. That if any person so charged be held in confinement under indictment, and the trial court shall have reasonable ground to doubt his sanity, the judge shall suspend the trial until a jury shall inquire into the fact of such sanity, such jury to be empaneled from the regular jurors in attendance for the week, or from a special venire, as the court may direct. If the jury shall find the accused sane at the time of their verdict, they shall make no other inquiry, and the trial in chief shall proceed. If they find that he is insane at that time, the judge shall make an order remanding him to the State Insane Hospital, where he must remain until he is restored to his right mind. When the superintendent of the hospital shall be of opinion that he is so restored, he shall forthwith, in writing, inform the judge and sheriff of the fact, whereupon the person must be remanded to prison on an order of such judge, and the criminal proceedings resumed. The expenses of removing such patient to and from the hospital, under the provisions of this act, shall be defrayed by the State. In no event shall such person be set at large so long as such prosecution is pending, or so long as he may continue to be insane.

Proceedings in case insanity.

SEC. 4. Be it further enacted, That in prosecutions for the offenses named in section two of this act, where the defense of insanity is set up, it shall be interposed by special plea at the time of his arraignment, which in substance shall be, "Not guilty by reason of insanity," which plea shall be entered of record upon the docket of the trial court. Such plea shall not preclude the usual plea of the general issue, which shall not, however, put in issue the question of the irresponsibility of the accused by reason of his alleged insanity, this question being triable only under the special plea.

Insanity a specialty plea.

SEC. 5. Be it further enacted, That if it shall appear to the jury from the evidence in the cause that the defendant did the act charged as constituting the offense, but
Verdict of jury. that at the time of its commission he was insane, the jury shall return a special verdict in writing to the effect that the accused was guilty of the act or offense charged against him, but was insane at the time of its commission. If they believe from such evidence that he did not do the act charged, or that he is not guilty on any other grounds than his alleged insanity, they may return a general verdict of "not guilty."

SEC. 6. Be it further enacted. That when such special
Criminal lunatics to be kept in custody. verdict shall be found, the court shall order the accused to be kept in custody as a criminal lunatic in the Alabama Insane Hospital until discharged therefrom in the manner provided by law under the provisions of this act.

SEC. 7. Be it further enacted. That to more effectually carry out the provisions of this act, the governor
Commission of lunacy. shall appoint a commission of lunacy, to consist of three persons of high standing and repute for learning and character, two of whom shall be physicians and one a lawyer, versed as far as" practicable in the medical jurisprudence of insanity, who shall hold their office for six years from the date of such appointment, and until their successors are appointed.

SEC. 8. Be it further enacted. That such commission shall consist of a president and two associates, who shall hold their sessions at the Alabama Insane Hospital, or in
Duties of commission. case of urgent necessity, at any other place most accessible to the witnesses to be examined, and at such time as they deem fit after reasonable notice from the president to such associates, or from both of such associates jointly to him. They shall have power to investigate and hear evidence bearing on the question of the alleged sanity of any inmate belonging to the class of criminal insane, and shall report the result of their investigation to the governor with such recommendation as the evidence may justify, as to his discharge from or continued restraint in the hospital.

SEC. 9. Be it further enacted, That the governor
Actions of governor on report. may approve such report and order the discharge absolutely, or subject to the condition that it shall remain in force only so long as such patients, being at liberty, shall

not prove dangerous to the peace and safety of the community; or he may disapprove of such recommendation and refuse to order such discharge if he deem it dangerous to the public peace and safety.

SEC. 10. Be it further enacted, That no second or further investigation by such commission shall take place in reference to the sanity of such inmate in a less time than six months from the date of that last entertained.

SEC. 11. Be it further enacted, That the compensation of the members of said commission shall be six dollars each per diem while actually employed in the discharge of their official duties, and mileage going and returning to their meetings at the same rate now allowed by law to members of the general assembly; Provided, in no case such mileage shall exceed six dollars per day. This amount shall be paid by the draft of the auditor on the State treasurer after approval by the governor of each commissioner's account, verified by his affidavit. Compensation.

SEC. 12. Be it further enacted. That the trustees and superintendents of the Alabama Insane Hospital shall, as soon as practicable, provide suitable accommodations it in the hospital for the safe custody of the criminal insane confined under the provisions of this act until other arrangements can be made by proper legislation for their care and safe keeping. Duty of superintendent.

SEC. 13. Be it further enacted. That any inmate confined under the provisions of this law shall have the right to test the lawfulness of his restraint by petition for the writ of habeas corpus sued out before the judge of the judicial circuit or chancellor of the chancery division in which the Alabama Insane Hospital is situated. Such writ, if granted, shall be made returnable and triable before the Judge who issues it, at the next ensuing regular term of his court which may thereafter convene in the city of Tuscaloosa. No other officers shall entertain jurisdiction to grant or hear writs of this character, but the jurisdiction herein granted shall be exclusive. The solicitor of the circuit where the trial is held shall be present in person or by deputy to represent the State upon such trial. Habeas corpus.

SEC. 14. Be it further enacted. That upon the trial of such cause, a certified copy of the verdict of the jury, and judge's order of commitment to the insane hospital, mentioned in sections 5 and 6 of this act, shall be prima

facie evidence of the fact that the petitioner continues in a state of insanity, dangerous to the peace and safety of the community, and this presumption shall be rebutted only when the contrary is clearly proved to the satisfaction of the judge or tribunal having jurisdiction to hear and determine the question of the petitioner's alleged illegal restraint.

SEC. 15. Be it further enacted. That all laws and parts of laws conflicting with the provisions of this act be and the same are hereby repealed.

Approved February 27, 1889.

No. 430.] AN ACT [s. 389

To incorporate the Florence Educational, Land and Development Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That J. B. Hawthorne, B. F. Riley, T. T. Eaton, Porter King, E. B. Cornly, J. H. Field, and
Name. their associates, be and they are hereby constituted a body politic and corporate, by the name and style of the Florence Educational, Land and Development Company, and by that name, or by such other name as the stockholders at their organization may adopt, are hereby authorized to sue and be sued, to make a common seal, and the same to break, alter and renew at pleasure ; to have and to hold real and personal property for the present and future business and purposes of such company, as well as such other property as said company may otherwise acquire by gift, devise, donation or purchase, for investment or development; to make rules, regulations and by-laws for the manage-
Rights, powers ment and direction of such corporation, not contrary
etc. to the constitution and laws of this State, or of the United States, and generally to have and enjoy and exercise all the rights, powers and privileges and immunities pertaining to corporate bodies and necessary for the full carrying out of the objects and purposes of this act.

SEC. 2. Be it further enacted. That said corporation is hereby authorized and empowered to erect and

establish, or cause to be erected and established, within, at or near the city of Florence, in Lauderdale county, Alabama, a college or colleges, or other institution or institutions of learning, and to aid, endow the same, and to do and perform such other acts as it may deem necessary and advisable for the advancement of the cause of higher education in the State of Alabama; to receive and hold by gift, purchase, will or devise, any and all kinds of property, real, personal and mixed, and to sell, lease, rent and dispose of and convey the same at will; to subscribe for and to receive, by gift, purchase or otherwise, the capital stock and bonds of other corporations, and dispose of the same at will; to survey, plat and lay off its lauds into streets, blocks and lots and other subdivisions, and to improve aud beautify the same in any way it may desire ; to build houses upon its lands and to give aid to or locate, establish and maintain, or cause to be located, established and maintained, street railways, water works, gas works, and industrial plants or manufacturing plants of any and every description, either upon its own lands or other lands, and to make any and all improvements, and adopt any and all measures that will tend to the thorough development of its property.

SEC. 3. Be it furt1i.er enacted, That the capital stock of said company shall be divided into shares of one hundred dollars each, amounting to three hundred thousand dollars, to be increased by additional shares to five hundred thousand dollars, as the business of said company may require, and at the option of a majority in value of the stockholders. Said stock may be paid either in money, lands or service. Capital stock.

SEC. 4. Be it further enacted. That when one hundred and fifty thousand dollars shall have been subscribed to the capital stock of said company by bona fide subscribers, the board of corporators shall call the subscribers together by notice, given in such manner as they may direct, for the purpose of organization, and a majority of the stock so subscribed being present, either in person or by proxy, they shall proceed to the organization of the company by the election, from among the stockholders themselves, by a majority of the stock represented, not less than three organization.

nor more than nine directors to manage the affairs and business of the company for the period of four years from the date of their election and until their successors
Directors. are elected and duly qualified, said successors to be elected in a similar manner, and for a similar term. The directors thus elected shall elect from their number a president, who shall also be president and executive officer of said company, and such person or persona as they may see fit for secretary and treasurer, to serve for such a period and under such condition as the by-laws may direct; Provided, however, that the stockholders, at a regular meeting, may elect a president of said company, to serve for such term as they may designate, and if they so elect, the president thus elected shall be a member of the board of directors, and president thereof during his term of office.

SEC. 5. Be it further enacted. That upon the organization of the company, the board of incorporators shall turn over to the board of directors all money or other property received by them on subscriptions, together with all bonds, lists, notes, obligations, papers and records, taken and made by them in the organization of the company ; and henceforth all such books, papers, lists, notes, bonds, obligations, records, money and property, shall be the property of the company, and all obligations incurred shall be as binding on the company as if taken and made by said company. Said boards of directors shall also have power to require to be paid the sums subscribed by stockholders in such manner and at such times as it may deem proper, and on the refusal or neglect on the part of any stockholders to pay -such installment, the shares of such delinquent may be sold at public auction under such rules, and upon such notice as the directors may previously prescribe, the surplus, if any, from the proceeds of sale, after the payments for balance due for such shares, shall be paid to such stockholders, but nothing herein contained shall prevent said company from collecting, by proper proceedings at law, the amount due on any subscription.

SEC. 6. Be it further enacted. That said corporation shall be authorized to begin business when thirty thousand dollars of the amount subscribed shall have been paid.

Approved February 26, 1889.

No. 431.] AN ACT [s. 219

To amend section one of an act entitled an act to establish partial stock law districts in Talladega county, so as to include precincts five and one in said county, and section 36, township 18, range 4 in precinct No. 7 east of the mountain known as the Giant at Rest.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to establish partial stock law districts in Talladega county, approved February 21, 1887, be and the same is hereby amended so as to read as follows, viz : Section 1. Be it enacted by the General Assembly of Alabama, That ten days after the passage of this act no hogs, sheep, goats or calves shall be allowed to run at large in beats or precincts 4, 6, 9, 5 and 1 in Talladega county.

Stock law.

Approved February 27, 1889.

No. 432.] AN ACT [s. 121

For the relief of J. P. Ford, late tax assessor of Marion county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of one hundred and forty-four and 50-100 dollars be and the same is hereby appropriated out of any money in the State treasury not otherwise appropriated to compensate J. P. Ford, late tax assessor of Marion county, for re-assessing the property of said county for taxes in the year 1887, the first assessment having been burned, without the fault of said assessor, on the 30th March, 1887, when the court house of said county was burned, the said amount being three-fourths of the amount of commission allowed him by law on State taxes assessed for that year.

Pay for re-assessing.

SEC. 2. B it further enacted. That the auditor of the State is authorized and required to draw his warrant

upon the State treasurer for the amount of one hundred and forty-four and 50-100 dollars in favor of J. P. Ford.

Approved February 27, 1889.

No 433.] AN ACT [s. 394

To regulate the fine and forfeiture fund of Calhoun county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all persons holding claims against the fine and forfeiture fund of Calhoun county, which were registered previous to the first day of January, 1884, are required to file them with or present them to the county treasurer for re-registration within twelve months from the passage of this act, and it is the duty of the treasurer to give notice of the requirement of this act for six weeks in a newspaper published in said county.

Fine and forfeature fund.

SEC. 2. Be it, further enacted. That all such claims as were registered before January 1st, 1884, and not presented for re-registration as required by the first section of this act, shall be barred, and become void and of no effect, and the treasurer shall so mark each one upon the register.

Approved February 27, 1889.

No. 434.] . AN ACT [s. 473

For the relief of James B. Conine of Tallapoosa county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That James B. Conine, of Tallapoosa county, be and he is hereby authorized and empowered to convey the title to his real estate without the signature of his wife as is now required by law. .

Approved February 28, 1889.

No. 435.] AN ACT [s. 308

To authorize the Macon and Birmingham Railroad Company, a corporation under the laws of Georgia, to construct, maintain and operate its railroad within the State of Alabama, and do all other things needful for that purpose.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Macon and Birmingham Railroad Company, a corporation duly created, organized and existing under the laws of the State of Georgia be, and the same is hereby authorized to construct a double or single line of tracks from the point on the line between Georgia and Alabama, to which its road may be extended from Macon, in the State of Georgia, into and through the State of Alabama, to and into Birmingham, Jefferson county, Alabama, and to maintain and operate the same. Authority to build railroad.

SEC. 2. Be it further enacted. That said Macon and Birmingham Railroad Company is hereby authorized to condemn in the manner provided by the laws of this State, a strip, tract, or parcel of land, one hundred feet wide, or a strip of less width when it deems it proper, for right of way, and for making the necessary turnouts, embankments and works, and shall possess and may exercise all the powers conferred by law upon railroad companies, organized under the general laws of this State, except in so far as the same may conflict with the provisions of this act. Right of way.

SEC. 3. Be it further enacted. That said Macon and Birmingham Railroad Company, is authorized to acquire and bold any lands, which may be donated to it for any purpose whatever, and to acquire and hold and sell any lands which may be conveyed to said company in payment of subscription for stock, or to enable it to raise money to carry out its corporate purposes, and also to hold and acquire any lands which may be granted to it by the general government, and all such other lands as it may acquire by gift or purchase for depots, work shops, and terminal facilities, and to sell and dispose of the same from time to time, as the necessities and interests of the said company may require. / May acquire, hold and sell land.

SEC. 4. Be it further enacted. That said Macon and Birmingham Railroad Company is hereby authori-
May borrow money and issue bonds. zed and empowered to borrow money at such times, and in such amounts, as it may deem necessary for carrying on its corporate purposes, and issue therefor its negotiable bonds, payable in or out of the State of Alabama, at such times, and bearing such rate of interest as said company may determine, and may secure the same by mortgage or deed of trust upon all its franchises, or property, of whatsoever nature or character then in possession or thereafter to be acquired.

SEC. 5. Be it further enacted. That said Macon and Birmingham Railroad Company, before doing any business in the State of Alabama, shall establish an office,
Office in State. and appoint at least one authorized agent in this State upon whom all process may be served, and shall in all respects be subject to suit upon contracts made and entered into in this State, or for breaches of duty committed in the State of Alabama, as though it were a domestic corporation.

Approved February 27, 1889.

No. 436.] AN ACT [s. 268

For the relief ot Arthur Vinson of Franklin county.

Whereas, Arthur Vinson -was fined fifty dollars for carrying a concealed pistol at the spring term, 1887, of the Franklin county circuit court; and

Whereas, Thereafter said fine was remitted by the governor, but was paid to the county treasurer before notice of the remittal; therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county treasurer of Franklin county, be and he is authorized and required to pay
Fine remitted. to said Arthur Yinson the sum of fifty dollars out of any moneys in the fine and forfeiture fund of said county, and this claim shall be a preferred claim against said fund, and should there be no money in said fund at the time of the passage of this act, it shall be the duty of said county treasurer to set apart the first money that may be paid into said fund, to pay this claim.

Approved February 27, 1889.

No. 437.] AN ACT [s. 198

To remove the guardianship of Comma E. Rives, Frank A. Rives, Loula A. Rives, Virginia F. Rives, Eloise Rives, and Walter Rives, from the county of Lowndes, to the county of Dallas.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the guardianship of Corinne E. Rives, Frank A. Rives, Loula A. Rives, Virginia F. Rives, Eloise Rives, and Walter Rives be, and the same is hereby removed from the county of Lowndes to the county of Dallas, and the probate court of Dallas county shall have as full and complete jurisdiction of said guardianship as if letters of guardianship had originally issued from said probate court of Dallas county.

Guardianship removed.

SEC. 2. Be it further enacted. That it shall be the duty of the probate judge of the said county of Lowndes to transmit to the probate judge of the county of Dallas, all original papers of any kind or description, filed in or pertaining to said guardianship in said probate court of Lowndes county, and he shall likewise transmit to said probate judge of Dallas county, a copy of all decrees, orders and minute entries made by the probate judge of Lowndes county in the matter of said guardianship duly certified by him, and his lawful fees for such copy or transcript shall be taxed as -costs and paid by the guardian of said persons, before said original papers and certified transcript are transmitted to th6 probate judge of Dallas county.

Approved February 27, 1887.

No. 438.] AN ACT [H. B. 783

For the relief of Thos. H. Skinner, S. G. Woolf, C. F. Compton, and T. M. Witherspoon.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the claim of Thos. H. Skinner, S. G. Woolf, C. F. Compton and T. M. Witherspoon, bonds-

men of M. H. McNeil, late tax collector of the county of Marengo be, and the same is hereby referred to the the governor, the state auditor, and attorney general of the State, as a board, for ascertainment and adjustment as follows, viz: That they shall find, with the assistance of the examiner of public accounts, whether or not the said M. H. McNeil was indebted or in default to the State of Alabama, as tax collector during the time that he held such office, and the amount he is so indebted or in default, if so, he is or was with the interest thereon; and they shall further ascertain what reduction was made on the said sum of indebtedness by any payment or settlements heretofore made with the State, with the sureties on his official bond or bonds; and if said board shall find that any over payment of said indebtedness or default has been made by said Thos. H. Skinner, S. G. Woolf, C. F. Compton, and T. M. Witherspoon, as sureties no account of their liability as such sureties on the bond ar bonds of said McNiel, then and in that event the said board shall certify the amount so overpaid by said Skinner and others named to the State auditor, who shall thereupon issue his warrant on the State treasurer for the amount so certified, and the same shall be paid out of any money in the treasury not otherwise appropriated.

Claim to be adjusted.

SEC. 2. Be it further enacted. That in the ascertainment of the facts required by this bill, to be ascertained by said board, they are hereby authorized to send for persons and papers, and administer the usual oath required of witnesses; and they shall make report of their action in the premises, to the next general assembly, and shall file the evidence taken in the case in the office of the secretary of State, and all costs of giving or taking evidence before said board shall be taxed against the unsuccessful party to such hearing.

Approved February 27, 1889.

No. 439.] AN ACT [H. B. 756

To amend an act entitled an act for the protection of game and animals and birds, in the counties of Hale and Cullman and Greene, approved February 26,1887, so far as the same applies to Hale county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act for the preservation of game and animals and birds in the counties of Hale, Cullman and Greene, approved February 26, 1887, be amended so far as the same relates to Hale county so as to read as follows : Section 1. That it shall be unlawful at any place in the county of Hale, to catch, kill or injure or pursue with such intent any wild buck, doe or fawn between the first of February and the first of October, and it shall be unlawful to catch, kill or injure, or pursue with such intent any wild turkey between the first day of May and the fifteenth of October, and it shall be unlawful to catch, kill or injure or pursue with such intent any quail (sometime called partridge) between the fifteenth of March and the first day of November, and it shall be unlawful to catch, kill or injure, or pursue with like intent any turtle dove between the fifteenth of March and the fifteenth of July, and it shall be unlawful at any and all seasons to catch, kill or injure or pursue with such intent any mocking bird, and it shall be unlawful at any time and at all seasons to trap or net any quail, sometime called partridges. Protection of game in Hale county.

SEC. 2. Be it further enacted. That it shall be unlawful in said county for any person to destroy or rob the nest of any wild bird whatsoever, except crows, blackbirds, blue jays, hawks and other birds of prey.

SEC. 3. Be it further enacted, That it shall be unlawful in said county for any person to purchase, have in possession, or expose for sale any of the birds or game mentioned in the first section of this act, during the seasons when the catching, killing or injuring the same is prohibited.

SEC. 4. Be it further enacted, That any person or persons violating any of the provisions of this act, shall forfeit and pay a fine of not less than three nor more than twenty dollars for every such violation, and justices of the peace and notaries public with powers of justices of the

peace, shall have concurrent jurisdiction with county and circuit courts in the trial of cases under this act.

SEC. 5. Be it further enacted, That all tines collected under this act shall be paid into the common school fund of said county.

Approved February 27, 1889.

No. 440.] AN ACT [H. B. 849

To authorize the counties of Montgomery and Autauga to erect a bridge across the Alabama river at or near the city of Montgomery, and to authorize the boards of revenue of Montgomery and Autauga counties severally to issue bonds to pay for the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the boards of revenue of the counties of Montgomery and Autauga severally be and they are hereby authorized and empowered to erect a bridge across the Alabama river at or near the city of Mont-

Bonds for bridge.

gomery; and are also authorized within their discretion to make said bridge either a free foot and wagon bridge for the travelling public or a railroad bridge or both combined, and for the purpose of paying for said bridge the boards of revenue of Montgomery and Autauga counties are hereby severally authorized to issue bonds in sums of one hundred dollars, two hundred and fifty dollars, five hundred dollars and one thousand dollars respectively, and bearing interest at a rate not to exceed eight per cent. per annum, said interest to be paid semi-annually, and said bonds respectively to be due and payable at a date to be fixed by said boards of revenue of said counties respectively issuing said bonds not to exceed a term of thirty years from the date of the issue of the same respectively; Provided, the aggregate amount of said bonds issued under the authority of said boards of revenue of said counties respectively shall not exceed the sum of one hundred thousand dollars.

SEC. 2. Be it further enacted. That for the purpose of paying the bonds authorized to be issued under section one of this act, and the semi-annual interest upon the same, the said boards of revenue of said counties respec-

tively be and they are hereby authorized and empowered respectively to levy annually a special tax not to exceed one-eighth (c) of one per centum upon the taxable prop- Special tax.
erty in said counties respectively, to be collected as other taxes in said counties respectively are collected and paid into the treasury of said counties respectively.

SEC. 3. Be it further enacted, That the money collected and paid into the treasuries of said counties respectively under the authority of this act, shall be kept separate and apart from the other funds of the said counties respectively, and shall be used only for the purpose of paying the debt created by and under the authority of this act.

Approved February 27, 1889.

No. 441.] AN ACT [H. B. 480

To prevent stock from running at large in beats seven, one, two and thirteen in Chambers county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That after the passage of this act, all persons are prohibited from allowing their stock to run at large anywhere in the limits of beats seven, one, two and thirteen in Chambers county, and it shall be unlawful for the owner of any stock to permit such, stock to go upon the land or crops of another within Stock law.
the prohibited territory, and for each willful violation of this section, the owner of such stock shall be guilty of a misdemeanor, and upon conviction of such offense shall be fined not less than five nor more than fifty dollars ; the term stock where it occurs in this act, shall be held to include horses, mares, jacks, jennies, colts, cows, calves, yearlings, bulls, oxen, sheep, goats, lambs, kids, hogs, shoats and pigs.

SEC. 2. Be it further enacted. That for any damage done by stock running at large in such prohibited territory, the owner shall be liable to the injured party, in twice the actual damage done, to be recovered by Damages.
suit before any court having jurisdiction, and any such judgment recovered shall be a lien on the stock so committing the damage, and the execution

shall be directed to be levied on the property committing the damage, to be pointed out by the plaintiff, as well as other property of the defendant if the stock is insufficient to pay the judgment.

SEC. 3. Be it further enacted. That the prosecutions and civil actions provided for in this act, may be tried before any justice or notary public with justice's ju-

Trials before justice of peace.

risdiction in the beat where the offense or damage occurs, and the amount of damage does not exceed fifty dollars. If the justice or notary is incompetent, or there is a vacancy in such offices, then such trials and prosecutions shall be in the nearest beat in said county where no objection exist. For such trials and prosecutions said justice court shall always be open ; but three days notice shall be given to the opposite party.

SEC. 4. Be it further enacted. That whenever any damage herein mentioned in this act has occurred, it shall be lawful for the injured party to confine so much of the stock causing such damage, if taken up

Stock liable for damages.

while such damage is being done, or before such stock has left his premises, and hold such stock until the damage caused by such are paid by the owner, if the amount thereof is agreed on by the parties. If they disagree, and the injured of such disagreement institutes suit for damage in two days, he shall still be authorized to hold said stock until the trial is had, unless the owner give bond with sufficient security, payable to the injured party, in "the sum of twenty-five dollars, conditioned to pay such judgment as may be rendered in the cause against him in fifteen days from its rendition. In the trial of such cause, if the plaintiff recovers, judgment shall be rendered for the cost of keeping such stock, as well as the damage provided for in this bill, and the cost of suit. But if the defendant has tendered the bond herein provided for to the injured party, and in the discretion of the court trying said cause, the security is sufficient, and the plaintiff refuses to accept the same, he shall not be allowed any costs for keeping such stock, after such bond was tendered; and all suits under this act for damages shall be barred unless commenced in ninety days ; Provided, that section four of this act shall not apply to stock belonging to any citizen of Randolph county.

Approved February 27, 1889.

No. 442.] AN ACT [H. B. 209

To prevent stock from running at large in the several beats of Randolph and Calhoun counties, and to authorize elections thereon.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever fifty freeholders or house holders, in any beat in Randolph and Calhoun counties shall petition the probate judge of said counties, asking that an election be held in said beat to decide whether in said beat stock shall be prohibited from running at large, the probate judge shall order an election in such beat at the usual voting place, which said order shall be published in said county, and shall notify the public that an election will be held at the voting place in said beat, not less than twenty, nor more than thirty days from such publication, specifying the day of election, to decide whether in said beat stock shall be prohibited from running at large. The probate judge shall also appoint two managers of such election, one of whom favors, and the other opposes such law. At such election, the qualified voters of the beat only shall be allowed to vote in which such election is ordered. Those favoring the running at large of stock shall have on their ballots, "Stock at large," and those opposing shall have on their ballots, "No stock at large ;" said ballots at the close of the election, shall be counted by the managers and the result certified to the probate judge within two days after said election. If a majority of the votes cast as certified by the managers are in favor of prohibiting stock from running at large, the said probate judge shall enter an order on the minute books of the court of county commissioners, and shall at once publish said order in a newspaper published in said county for two consecutive weeks ; and sixty days after such publication, the provisions of this act shall apply and be in full force and effect in such beat, and it shall be unlawful in such beat for the owner of any stock to permit such stock to go upon the land or crop of another within the prohibited territory, and for each willful violation of this section, the owner of such stock shall be guilty of

Elections relating to stock law districts.

a misdemeanor, and upon conviction of such offense shall be fined not less than five nor more than fifty dollars; and the term stock, where it occurs in this act, shall be construed to include horses, mules, jacks, jennies, bulls, cows, calves, oxen, sheep, goats, hogs and pigs.

SEC. 2. Be it further enacted, That for every election provided for in this act, the judge of probate shall appoint two challengers, one favoring and the other opposing the law. If any contest arises as to the result of any election held under the provisions of this act, the party so contesting shall file with the probate judge, within five days after said election, his objections to granting the order prohibiting the running at large of stock, and shall give bond with sufficient security, to be approved by the probate judge, to pay the cost of the contest; the said judge . shall cause the sheriff to summon twelve jurors residing outside of said beat, who shall sit on the trial of said contest, and said jury shall be sworn by said judge to render a true verdict, and on a day to be named by the judge—not less than five nor more ten days from the filing of the contest— a trial shall be had, at which said judge shall preside, and conduct the same as other trials. The issue to be decided on such trials shall be, 1st, was said election held according to the provisions of this act? 2d, was the result for or against stock at large ?

Contests.

SEC. 3. Be it further enacted, That the election provided for by this act, shall be held within the hours and under the rules governing general elections in this State. That the managers may administer to each other an oath that they will conduct the election fairly and a true certificate render to the judge of probate. If either of them fail or refuse to serve, any other competent man residing in said beat may serve; Provided, there shall be but one election under this act in any one year, and any officer failing to perform his duty under this act, shall be guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars.

Rules governing elections.

SEC. 4. Be it further enacted. That for any damage done by stock running at large in such prohibited territory, the owner shall be liable to the injured par-

ty in twice the amount of the damage done, to be recovered by suit before any court having jurisdiction, and any such judgments recovered shall be a lien on the stock so committing the damages, and the court entering the judgment, shall enter therein an order that the officer executing the writ of execution on said judgment shall seize and sell the said stock for the satisfaction of the judgment., Such liable for damages.

SEC. 5. Be it further enacted. That the prosecutions and civil actions provided for in this act, may be tried before any justice or notary public with justice jurisdiction in the beat where the offence or damage occurs, and the amount of damage does not exceed fifty dollars. If the justice of the peace or notary public is incompetent, or there is a vacancy in such offices, then such trials shall be before a justice of the peace or notary public of the nearest beat wherein the above named objections do not apply. For such trials and prosecutions, said justice courts shall always be open, but three days shall be given to the opposite party. Trials before justice of peace.

SEC. 6. Be it further enacted. That the petitioners shall pay the costs of holding any election provided for in this act ; Provided, that this act shall only apply to that part of Randolph county on the east side of the Big Tallapoosa River and Calhoun county.

Approved February 27, 1889.

No. 443.] AN ACT [H. B. 173

To regulate the purchase of cotton in the seed by manufacturers of cotton products, in those sections of Barbour county where the sale of cotton in the seed is now prohibited by law.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all manufacturers of cotton goods and cotton products are authorized to purchase cotton in the seed grown in Hawkinsville, Spring Hill, Fort Browder and Eufaula beats, Barbour county; Provided, said manufacturers, or their agents, shall keep a book in which they shall register the name of the seller, quantity of cotton purchased, and the date of purchase, and the said Regulating sale of seed cotton.

book shall at all times be open to the inspection of the public.

SEC. 2. Be it further enacted. That any manufacturer or his agent purchasing cotton in the seed grown in the beats referred to in section one of this act, who does not keep a book and register the name of the seller, quantity of cotton bought, and date of purchase, as provided in section one of this act, shall be guilty of a misdemeanor, and shall, upon conviction, be fined not less than fifty dollars nor more than five hundred dollars.

Penalty for not keeping register.

SEC. 3. Be it further enacted. That all laws in conflict with the provisions of this act be and the same are hereby repealed; Provided, that nothing contained in this act shall in any wise repeal, alter or amend the provisions of the act entitled an act to prevent the sale or exchange of cotton in the seed in Barbour county, and sale or exchange of said cotton produced in said county, approved February 2, 1883, so far as the said act relates to Hawkinsville, Spring Hill and Fort Browder beats in said county.

Effect of this act.

Approved February 27,1889.

No. 444.] AN ACT [H.B.924

To constitute the town of Alco, in Escambia county, Alabama, as a separate school district.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the town of Alco, in Escambia county, Alabama, shall be and is hereby constituted a school district separate and apart from other school districts in said county, and the inhabitants of said town are hereby incorporated by the name of the school district of Alco.

School district.

SEC. 2. Be it further enacted. That the mayor and councilmen of the town of Alco, and their successors in office, shall constitute a board of trustees for the district, which board shall proceed to establish said school district under the regulations hereinafter set forth.

Trustees.

SEC. 3. Be it further enacted, That the town of Alco, as such school district, shall receive its proportionate share of the public school revenue, including a pro rata

share of the sixteenth section funds of such township that lie partly within the corporate limits of the town of Alco; and the superintendent of education of Escambia county shall set apart from the public school revenues of the county, and disburse and use such pro rata share exclusively for the maintenance of the public schools in the town of Alco. School funds.

SEC. 4. Be it further enacted, That said board of trustees are authorized to establish and locate the number of public schools to be taught each year within the school district, and elect teachers for the same, whether for males or females, white or colored, and perform all other duties imposed on township superintendents in this State. Duties of trustees.

SEC. 5. Be it further enacted, That the board of trustees, as constituted in this act, shall control, manage and disburse all revenues which may be raised by special tax or otherwise, for the maintenance of the public schools within the limits of the town of Alco, and under such rules and regulations as the board of trustees may prescribe; Provided, that where donations or contributions are made to a school in the district, or to said school district, the board of trustees shall apply the donations or contributions in the manner indicated by the party or parties contributing.

SEC. 6. Be it further enacted. That the trustees shall have power to buy lands for the purpose of building school houses, which lands shall be deeded to themselves and successors in office as trustees of said school district. They shall also have power to build suitable school houses, buy furniture for the same, and employ and pay teachers.

SEC. 7. Be it further enacted. That the trustees of said school district shall make their report as is now required of township superintendents to the county superintendent; they shall have power to receive any scholar – not living within the limits of the district on such terms as may be agreed upon; they shall also have the power to grade their schools.

SEC. 8. Be it further enacted. That the board of trustees shall appoint a treasurer, who shall take charge of the money belonging to the district, and shall give such bond as the board may direct, and shall pay out the same upon the order of the board through the mayor.

Approved February 27, 1889.

No. 445.] AN ACT H. B. 520]

To amend sections 1879, 1880, 1881 and 1882 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That actions 1879, 1880, 1881 and 1882 of the Code be amended so as to read as follows: 1879 (2877).

Redemption realty.

Redemption by debtor.—Where real estate or any interest therein is sold under execution, or by virtue of any decree in chancery, or under any deed of trust or power of sale in a mortgage, the same may be redeemed by the debtor, his vendee, junior mortgagee or assignee of the equity of redemption from the purchaser or his vendee within two years thereafter in the manner following: 1880 (2878). Possession delivered on demand; notice to tenant dispenses with attornment.—The possession of the

Possession.

land must be delivered to the purchaser within ten days after the sale thereof by the debtor, if in his possession, or of any one holding under him by privity of title, if in his possession, on demand of the purchaser or his vendee. If the land is in the possession of a tenant, notice to him by the purchaser or his vendee of the purchase after the lapse of ten days from the time of sale, and that it has not been redeemed, vests the right to the possession in him in the same manner as if such tenant had attorned to him. 1881 (2879). Purchase money and ten per cent. also to be tendered.—The debtor or his vendee must also pay or tender to the purchaser or his vendee the purchase money with ten per cent. per annum thereon, and all other lawful charges, and such payment or tender has the

Conveyance of title.

effect to reinvest him with the title, and if a conveyance has been made to the purchaser, he must, at the costs of his debtor or his vendee, convey to him such title as lie acquired by the purchase. 1882 (2880). Writ of unlawful detainer lies on refusal to deliver possession.—If the

Unlawful detainer.

possession of the land has been delivered to the purchaser by the debtor or his vendee, and upon payment or tender as aforesaid, it is not restored to him, he may recover possession by a suit for unlawful detainer before a justice of the peace

Approved February 27, 1889.

No. 446.] AN ACT [s. 1018

To authorize the county commissioners of Monroe county to levy a special tax of one-fifth of one per cent. for bridge purposes.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county commissioners of Monroe county are authorized to levy a special county tax of one-fifth of one per cent., whenever they may deem it necessary, for the purpose of repairing or building bridges in said county. Special tax.

Approved February 27, 1889.

No. 447.] AN ACT [H. B. 580

For the preservation of game animals and birds in the counties of Tuscaloosa and Calhoun.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful at any place in the counties of Tuscaloosa and Calhoun, to catch, kill, injure or pursue with such intent, any wild buck, doe or fawn, or to catch, kill or injure or pursue with such intent, any wild turkey or quail, sometimes called a partridge, between the first (1st) day of March and the first (1st) day of November, and it shall also be unlawful to catch, kill or injure, or pursue with such intent, any turtle-dove, sometimes called mourning dove, between the first (1st) day of March and the fifteenth (15th) day of July. Protection of game.

SEC. 2. Be it further enacted. That it shall be unlawful at any place in the counties named in this act, for any person to destroy or rob the nest of any wild bird whatever, except crows, black birds, blue jays, English sparrows, hawks, owls, and other birds of prey.

SEC. 3. Be it further enacted. That it shall be unlawful in any place in the counties named in this act, for any person to purchase or expose for sale, any of the birds or game mentioned in the first section of this act, during the seasons when the catching, killing or injuring the same is prohibited.

SEC. 4 Be it further enacted, That it shall be unlawful for any person or persons who are non-residents of the counties named in this act, to engage in what is known as camp-hunting within the counties of Tuscaloosa or Calhoun ; Provided, that the provisions of this section shall not apply to persons non-resident of said counties, hunting while guests of bona fide residents of the counties of Tuscaloosa or Calhoun.

SEC. 5. Be it further enacted. That any person or persons violating the provisions of this act, by catch-
Penalty. ing, killing or injuring or pursuing with such intent, any of the birds or game mentioned in the first section of this act, or robbing any bird's nest mentioned herein, or camp-hunting, shall, for such violation thereof, be deemed guilty of a misdemeanor, and on conviction thereof shall forfeit and pay a fine of not less than one hundred dollars.

SEC. 6. Be it further enacted. That any violation of the provisions of this act may be prosecuted before any justice of the peace, or any other officer or court having jurisdiction of misdemeanors in said counties ; and the judgment of said court shall be enforced in like manner as in other criminal cases, with like right of appeal.

SEC. 7. Be it further enacted. That half of fines and
Half of fine to forfeitures collected under this act shall go to the per-
informer. son giving information that will lead to a conviction under this act, the balance to the fine and forfeiture fund of the counties named in this act.

SEC. 8. Be it further enacted. That. it shall be the duty of the sheriff, constable, police officers and jus-
Duties of offi- tices of the peace to arrest all persons violating any of
cers. the provisions of this act and take them before the proper officers having jurisdiction, to hear and try the complaint for the violation of any of the provisions of this act.

SEC. 9. Be it further enacted. That the act heretofore passed by the general assembly of Alabama, for
Repeal. the preservation of game animals and birds in the county of Tuscaloosa and approved February 23d, 1883, be and the same is hereby repealed.

Approved February 27,1889.

No. 448.] AN ACT [H. B. 608

To amend section 4038 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 4038 of the Code of 1886, be and the same is hereby amended so as to read as follows, to-wit: Any person who sells or gives or causes to be sold or given, or obtained, any spirituous, vinous or malt liquors to a minor without the consent of the parents or guardian or person having control or management of such minor, unless it be upon the written prescription of a licensed physician ; or who sells to, purchases for, gives to, or causes to be given, or who is instrumental in selling to, purchasing for, giving to or causing to be given or conveyed to a person of known intemperate habits, any spirituous, vinous, or malt liquors or intoxicating drinks, without the written prescription of a licensed physician, must, on conviction, be fined not less than fifty nor more than five hundred dollars. And any minor who obtains any such liquors by means of a false representation as to his age, must, on conviction, be fined not more than fifty dollars.

Selling liquor to minor or person of intemperate habits.

Approved February 27, 1889.

No. 449.] AN ACT [H. B. 1005

To incorporate the Tuskegee, Tallassee and Syllacauga Railroad Company, and to further the construction of said railroad.

SECTION 1. Be it enacted by the General Assembly of Alabama, That E. T. Varner, G. W. Campbell, W. H. Wright, M. L. Swanson, W. E. Sistrunk, P. S. Lockard, A. H. Drakeford, T. C. Drakeford, 0. W. Thompson, C W. P. Thompson, E. F. Howard, Jr., J. W. Greene, C. W. Abercrombie, W. P. Magruder, J. 0. Smith, W. J. Gautier, C. E. Smith, T. Y. Comer, E. H. Abercrombie, J. A. Bilbro, W. F. Foster, 0. J. Bryan, S. B. Paine and P. S. Holt, be and they are hereby constituted a body politic and corporate, by the name of Tuskegee, Tal-

Corporators.

lassee and Syllacauga Railroad Company, and by that name, or by such other as the stockholders, after their
Name. organization may adopt, are hereby authorized to sue and to be sued, to make a common seal and the same to break, alter and renew at pleasure ; to have and to hold real and personal property for the present and future business and purposes of such company, as well as such other property as said company may acquire by gift, devise, donation or purchase for investment or
Rights, powers development; to make rules, regulations and by-laws
etc. for the management and direction of such corporation not contrary to the laws of the State, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to bodies corporate and necessary for the full carrying out of the objects and purposes of this act.

SEC. 2. Be it further enacted, That said company is hereby authorized and empowered to survey, locate, construct, alter, maintain and operate a railroad with one or more lines of tracks of rails from the city of Tuskegee northwesterly, and westerly to the town of Tallassee and the town of Syllacauga, with branches from the same on such route or routes as may be found best, and on such railroad and branches said company is authorized to take and carry for hire persons and property by the power and force of steam, animal or other mechanical power or combination of them ; Provided, that nothing in this act shall be taken or construed to exempt said corporation from regulation of rates and fares and control by the legislature of this State, or the laws governing railroads in this State.

SEC. 3. Be it further enacted. That for the purpose of constructing said railroad and branches, that said company is hereby authorized to lay out the same, not exceeding one hundred feet wide, and for the purpose of depots, machine-shops, warehouses, engine houses, water stations, car sheds, eating houses, car or depot yards, &c., and other structures necessary or convenient for the business of the company, and for the purpose of cutting embankments and switches, connecting tracks and turnouts, and for obtaining earth, stone, gravel, timber or other material, or for the purpose of protecting its structures, may take as much or more

land as the necessities of such company may, from time to time, require for the use and protection of said railroad and structures; Provided, that no such property shall be taken or applied unless just compensation to the owner shall first be made as required by the constitution and laws of this State, but said company may previously enter upon any lands for the purpose of surveying, locating and laying out its said railroad structures; Provided further, that no right to condemn private property to the use of said company is conferred by this charter, except that conferred by the constitution of Alabama on railroad companies.

SEC. 4. Be it further enacted. That said company, in lieu of constructing any portion of its line or branches, may purchase or acquire by lease, for a term not exceeding one hundred years, the road bed of any other railroad whose line may be located in whole or in part along said line of railroad, or said company may, for the purpose of making through lines, make common stock or other lawful contracts whereby it may sell or lease as aforesaid to such other company, any or all of its said railroad or branches and the franchises thereof. Right of way.

SEC. 5. Be it further enacted. That there is hereby granted to said company a right of way over any of the lands of this State.

SEC. 6. Be it further enacted. That whenever necessary to the building of said road, right of way is hereby granted to cross any other road now in operation and to be built across or on and along any of the highways or public roads of the country, or across or along the streets of any incorporated town or city through which it may be necessary to pass, or across any navigable water along the lines of its route or routes; Provided, that the said highways, roads and streets shall, after construction of said railroad thereon or thereover, be restored to as good condition as practicable; and in crossing any navigable river the said company shall place a drawbridge giving a clear passage of not less than fifty feet; Provided further, that in such case the right of way shall be condemned under the forms of law as now provided, and the consent of the incorporated towns and cities shall be first had and obtained to the use of the streets or alleys for such right of way before the same shall be so used and occupied. Proviso.

SEC. 7. Be it further enacted, That the capital stock of said company shall not exceed one million dollars, but said company may commence operations when so much as one hundred thousand dollars of capital stock shall be subscribed bona fide in money, labor or property. The capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and may be transferred in such manner and such places as the by-laws of said company may direct.

Capital stock.

SEC. 8. Be it further enacted, That the corporate powers of said company shall be vested in a board of directors, not less than seven nor more than eleven members, as shall from time to time be fixed by the by-laws adopted by the stockholders of said company, and in such other officers and agents as said directors shall appoint or authorize. The board of directors shall consist of stockholders annually chosen by the stockholders of said company. A majority of the directors shall constitute a quorum for the transaction of business ; they shall elect annually or semi-annually, one of their number to be president, and a secretary and treasurer, who shall give bond as required by the board. Said board of directors shall have the power to require to be paid the sums subscribed by stockholders in such manner and at such times as it may seem proper, and on the refusal or neglect on the part of any stockholders to pay such installments, the shares of such delinquent, after thirty days notice, be sold at public or private sale under such rules as the directors may prescribe.

Directors.

SEC. 9. Be it further enacted. That after thirty days notice, given by publication in the Tuskegee News or other paper published in Macon county, by three of the corporators named in this act, or a majority of them, shall assemble in the city of Tuskegee, either in person or by proxy, authorizing some one to act for them in the organization of the company, shall arrange to open books of subscription to the capital stock of the company in such manner as they may see fit.

Subscription to stock.

SEC. 10. Be it further enacted. That the subscription to the capital stock of the company shall be taken payable in money, labor or property at their money value, to be named in the list of subscription, and in the event of a failure to perform the labor or other service, and to deliver the property, real or personal property, according to

the terms of the subscription list, the subscriber shall be bound to pay the amount named in the subscription list in money, or else all title and interest in said company is void and the subscriber forfeits all his interest in said company. Twenty per cent of all subscriptions to be paid before operation is commenced under this act.

SEC. 11. Be it further enacted. That when one hundred thousand dollars shall have been subscribed to the capital stock of said company by bona fide subscribers, the board of corporators shall call the subscribers together and organize the company, and the majority of the stock being present by proxy or otherwise, they shall proceed to the organization of the company by electing from among the stockholders themselves, no less than seven nor more than eleven directors to manage the affairs and business of the company for tlie ensuing twelve months, or until their successors are elected and duly qualified. Organization.

SEC. 12. Be it further enacted, That upon the organization of the company the board of corporators shall turn over to the board of directors all the money received by them on subscription, and all the bonds, lists, notes, obligations and other papers taken and made by them in the organization of the company, and all such papers, etc., shall be the property of the company and shall be binding on the company as if taken and made by them.

SEC. 13. Be it further enacted. That the company may borrow money for the purpose of carrying out the objects of this charter, and may make notes, bonds, or other evidences of debt, and by a vote of a majority of its stockholders at a meeting called for the purpose by advertising in the Tuskegee News, or some other paper published in the county of Macon for ten days, may secure the payment of notes, bonds or evidences of debts, by a mortgage or a deed of trust on its franchises, and any and all of the property, real and personal. May borrow money and issue bonds.

SEC. 14. Be it further enacted. That said Tuskegee, Tallassee and Syllacauga railroad company may construct and operate an express line and a telegraph and telephone line or lines in and along, and upon any and all portions of its rights of way of its main line and branches, both for its own use, or for doing a public express, telegraph or telephone business, but said company shall not be compelled to do an express, telegraph or telephone business on its said line until contracted for ; Pro- Express, telegraph, etc.

vided, that the right to construct such express, telegraph or telephone business shall not exclude any other person or persons or corporation to construct similar lines of telegraph or telephone lines along said lines of way now provided by law.

SEC. 15. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 27, 1889.

No. 450.] AN ACT [H. B. 726

For the preservation of game animals and birds in the counties of St. Clair, Lauderdale, Colbert, Marengo, Jefferson, Pike and Covington.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful at any place in the counties of St. Clair, Lauderdale, Colbert, Marengo, Jefferson, Pike and Covington, to catch, kill or injure or pursue with such intent any wild buck, doe or fawn between the first day of April and the fifteenth day of September, and it shall be unlawful to catch, kill or injure any wild turkey between the first day of April and the first day of October, and it shall also be unlawful to catch or kill any partridge between the first day of April and the fifteenth day of October; Provided; that this act shall not apply to the killing of partridges in Covington county.

Protection of game.

SEC. 2. Be it further enacted. That any person violating the provisions of this act shall on conviction be fined not less than three nor more than twenty dollars for every such violation, and justices and notaries public with powers of justices of the peace shall have concurrent jurisdiction with the circuit court in trial of cases under this act.

Penalty.

Approved February 27, 1889.

No. 451.] AN ACT [H. B. 425

To amend section 143 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 143 of the Code be amended so as to read as follows : Section 143. Fertilizers and chemicals for manufacturing to be branded.—All fertilizers or chemicals for manufacturing or composting the same offered for sale, exchange or distribution, must have branded upon or attached to each bag, barrel or package, in such manner as the commissioner may by regulation establish, the true analysis of such fertilizer or chemical as claimed by the manufacturer, showing the per centage of valuable elements or ingredients such fertilizer or chemical contains, and its commercial value, calculated upon the standard of value of the principal ingredients as set forth in section 142 as priced by the commissioner of agriculture at the beginning of each season, and on every case the brand must specifically set forth the per centage contained in the fertilizer or chemical of the several ingredients specified in section 142 on the terms of that section ; Provided, that this act shall not go into effect until October 1, 1889.

Fertilizers to have analysis attached.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 27, 1889.

No. 452.] AN ACT [H. B. 784

To change the name of Minnie Lee Jenkins, of Russell county, to that of Minnie Lee Turner.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the name of Minnie Lee Jenkins, of Russell county, be and the same hereby is changed to that of Minnie Lee Turner.

Change of name.

Approved February 27, 1889.

No. 453.] AN ACT [H. B. 203

To amend section 1399 of the Code of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1399 of the Code of Alabama be
Road officers. amended so as to read as follows: Section 1399. Apportioners and overseers must not serve longer than two years from the day of appointment, and if such term of two years is served out they are entitled to a certificate of exemption from road service for the next two years.

Approved February 27, 1889.

No. 454.] AN ACT [H. B. 587

For the relief of W. S. Page, of the county of Jackson.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of one hundred and seventy-five dollars be and the same is hereby appropriated out of any
Refunding license. money in the treasury not otherwise appropriated, for the reimbursement of W. S. Page, of the county of Jackson, said sum being the amount paid by him for retail liquor license for the year 1888, which license was declared void by the circuit court of said county.

Approved February 27, 1889.

No. 455.]. AN ACT [H. B. 286

To repeal an act to regulate the pay and mileage of jurors and commissioners of Geneva county and to provide for payment of the same, approved January 27, 1872.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to regulate the pay and mileage of jurors and commissioners of Geneva
Repeal of act. county, and to provide for payment of the same, approved January 27, 1872, be and the same is hereby repealed.

Approved February 27, 1889,

No. 456.] AN ACT [H. B. 682

To relieve Jesse H. Thompson, of Macon county, Alabama, of the disabilities of non-age.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Jesse H. Thompson be and is hereby relieved of the disabilities of non-age and may sue and be sued, contract and be contracted with, buy, sell and convey real estate and do and perform all acts which such minor could lawfully do if twenty-one years of age; Provided, that said minor shall comply with the provisions of section 2363 of the Code of Alabama in reference to the record of tins act as if relieved by the decree of a chancery court of such disabilities. Relief of non-age.

Approved February 28, 1889.

No. 457.] AN ACT [H. B. 255

To repeal an act entitled an act to provide for the keeping in better repair the public roads and highways of Morgan county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to provide for the keeping in better repair the public roads and highways of Morgan county, approved February 12, 1885, and amended February 12, 1887, be and the same is hereby repealed. Repeal of act.

Approved February 27, 1889.

No. 458.] AN ACT [H. B. 759

To regulate the i ssuance of licenses for the sale of intoxicating liquor in any of the several beats in Geneva county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act no license shall be issued for the sale of alcoholic,

vinous or malt liquors, in any of the beats of Geneva county, until a majority of the qualified electors of said beat shall have expressed a desire for the issuance of such license at an election held for that purpose,

Local option on liquor license.

SEC. 2. Be it further enacted. That upon an application in writing, of ten or more good and lawful citizens of any beat in said county, who have been householders and freeholders in said beat for a period of twelve months next preceding, praying for an election, the judge of probate of said county shall forthwith order an election to determine the question of a license for that beat, which said election shall be conducted in all respects in conformity with the general election laws of the State; Provided, that inspectors and returning officers shall not be entitled to any compensation for their services ; And provided further, that no election shall be held in any of said precincts within the space of two years from the election next preceding it on this subject.

Election.

SEC. 3. Be it further enacted, That at said election the ballots shall be printed or written, "for license," and "against license," and if a majority of the votes cast be "for license," the probate judge shall forthwith issue a license to such parties desiring to sell, as have complied with the general laws relating thereto. But if a majority of the votes cast be "against license," no license shall be issued to any one to sell such liquors in that beat until the expiration of the time hereinbefore prescribed.

Ballots.

SEC. 4. Be it further enacted. That any person who sells, or offers for sale, any of the above named liquors in any of the beats in said county, without first obtaining a license therefor, must, on conviction, be fined not more than one hundred dollars, or may be sentenced to hard labor for the county for not more than six months.

Penalty.

SEC. 5. Be it further enacted. That all laws or parts of laws in conflict with provisions of this act be and the same are hereby repealed.

Approved February 27, 1889.

No. 459.] AN ACT [H. B. 592

To create a separate school district in Marion and Lamar counties and to define the boundaries thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all that part of township eleven, range fifteen, of Marion county, that lies west of the Sipsey creek, to township eleven, range sixteen of said county, and all of that part of Lamar county that lies west of said creek to the same township eleven of range sixteen, be and the same is hereby formed into a separate school district, to be known as the Stuckey District, for which a superintendent shall be appointed, as provided by law for other districts of this State. School district.

SEC. 2. Be it further enacted. That said school district shall be in all respects managed and controlled as a school district as now provided by law for the school districts in this State.

SEC. 3. Be it further enacted. That the township superintendent shall be appointed by the county superintendent of Marion county.

SEC. 4. Be it further enacted. That the county superintendents of the counties of Marion and Lamar, shall regularly apportion and set aside for the benefit of such school district the respective amounts due pro rata to the school children living within the said school district in their respective counties, and pay over the same to the superintendent of said school district for the support of public schools in said school district. School funds.

Approved February 27, 1889.

No. 460.] AN ACT [H. B. 35

For the relief of persons whose lands were sold for taxes and purchased by the State.

SECTION 1. Be it enacted by the General Assembly of Alabama, That real estate sold for taxes and bid in by the State, heretofore or hereafter, may be redeemed at any time before the title passes out of the State, by

the owner, his heirs, or personal representative, or by any mortgagor or purchaser of such lands, or any part thereof, or by any person having an interest therein, or any part thereof, legal or equitable, in severally or as tenant in common, including a judgment creditor, or other creditor having a lien thereon, or on any part thereof; and an infant or lunatic entitled to redeem, may redeem at any time within one year after the removal of such disability, and such redemption may be of any part of said lands so sold, which includes the whole of such person's interest.

Redemption of real estate sold for taxes.

SEC. 2. Be it further enacted. That this act shall in no wise change the mode and manner of redemption now required by law.

Approved February 28, 1889.

No. 461.] AN ACT [H. B. 386

To amend section 3947 of the Code of Alabama, so far as the same relates to the county of Jefferson.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3947 of the Code of Alabama, so far as the same relates to Jefferson county, be amended so as to read as follows :

Section 3947, Willful neglect of duty by probate judge. Any judge of probate who knowingly and willfully does any act contrary to the duties of his office, or knowingly omits or refuses to perform any duty required of him by law, must, on conviction, be fined not more than two hundred dollars, if there be no other punishment prescribed for such act or omission.

Judge of probate.

Approved February 28, 1889.

No. 462.] AN ACT [H. B. 486

To amend Sections 463 and 529 of the Code.

Be it enacted, by the General Assemby of Alabama, 1st, That section 463 of the Code of Alabama be

amended so as to read as follows: The assessor shall be entitled to receive from the tax collector, out of the first moneys received from the State, giving him duplicate receipts therefor, one of which receipts shall be by the tax collector forwarded to the Auditor, the following commissions upon the amount of State taxes, assessed by him, to-wit: In counties when the State taxes assessed do not exceed twelve thousand dollars, the rate of commissions shall be eight per cent. on the first thousand dollars, four per cent. on the next thousand dollars, and two per cent. on the remainder. In counties where the State tax exceed twelve thousand dollars, the commissions shall be the same as above up to twelve thousand dollars and on all above twelve thousand dollars, one and one-half per cent. up to sixty thousand dollars ($'50,000), on all above sixty thousand dollars one per cent. He shall also receive from the tax collector the same rate of commission upon the amount of county taxes and of . special taxes, which are regularly assessed, carried up or extended on the assessment book, giving duplicate receipt to the tax collector for all moneys so paid by him to the assessor. He shall also receive five per cent upon the amount of taxes upon property which has escaped taxation in the assessments for the previous year, such previous assessment not having been made while he was tax assessor.

Fees of tax assessor.

SEC 2. Be it further enacted. That section 529 of the Code of Alabama be so amended as to read as follows: The tax collector shall be entitled to commissions upon the amount of State taxes collected by him as follows : In counties where the collections do not exceed twelve thousand dollars, the rate of commissions shall be eight per cent. on the first thousand dollars, four per cent. on the next thousand dollars, and two per cent. on the remainder. In counties where the collections of State taxes exceed twelve thousand dollars, the commission shall be the same as above declared up to twelve thousand dollars, and on all above twelve thousnnd dollars, one .and one-half per cent. up to sixty ($60,000) thousand dollars ; on all above sixty thousand dollars, one per cent. He shall be entitled to the same rates of commission on the county taxes, and shall be allowed a commission of

Fees of tax collector.

five per cent. upon the amount of poll tax collected by him. And upon subjects of escaped taxation, in addition to the commisssions on his amount collected, he shall be entitled to one-half of the commissions allowed by this act to the assessor for assessing the same, so as to divide the assessor's fees equally between said collector and the assessor; and the collector may retain his commissions upon collections when he makes payment of said collections into the State treasury, as by this act directed.

Approved February 28,1889.

No. 463.] AN ACT [H. B. 221.

To prohibit the selling, or otherwise dispose or disposing of vinous, spirituous or other intoxicating liquors in any of the precincts in Covington county, unless the same shall first be submitted to the voters of said precinct or precincts.

SEC. 1. Be it enacted by the General Assembly of Alabama, That no license shall be issued by the judge of probate of Covington county to any person or per-
Local option. sons to sell, or otherwise dispose of, vinous or other intoxicating drinks in any of the precincts in said county, unless the voters shall have voted thereon, which shall be final.

SEC. 2. Be it further enacted. That if said election has been fairly conducted, as is now provided by law, and further, if at such election a majority shall have
When probate judge to issue license. voted in favor of license, then it shall be the duty of the probate judge to issue a license to sell, or otherwise dispose of, spirituous, vinous or other intoxicating drinks in any of said precincts; Provided, the expense of said election shall be insured by said applicant for license. Provided, That this act shall not apply to, or affect any church of said county now protected by or under prohibition laws, except in the town of Andalusia, Fairfield precinct No. 2, and Halton precinct No. 3. All laws in conflict with this act, so far as relates to any of the precincts of said county, are hereby repealed.

Approved, February 28, 1889.

No. 464.] AN ACT H. B. 934]

To incorporate the Southern Iron Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Samuel H. Buck, S. M. Evans and W. P. K. Wilson, all of this State, and their associates, successors and assigns, be and the same are hereby created a body corporate, under the name and style of "The Southern Iron Company," and in and by that name and title shall have perpetual succession as a body corporate, and may sue and be sued, plead and be impleaded, borrow money and execute notes therefor, contract and be contracked with, adopt, use and alter at pleasure a corporate seal, and exercise all the rights and franchises hereinafter granted.

Name

Rights, powers etc.

SEC. 2. Be it further enacted. That the capital stock of said corporation shall be such sum as the corporators hereinabove named shall fix and establish, not less than one-hundred thousand dollars; but the corporation shall have the right, after its organization, to increase its capital stock from time to time as a majority in value of the stockholders thereof, in convention assembled, shall determine, not to exceed the sum of thirty million dollars.

Capital stock.

SEC. 3. Be it further enacted. That the stock of said company shall be divided into shares of one hundred dollars, and in all meetings or conventions of the stockholdgers. each stockholder shall be entitled to cast, in person or by duly appointed proxy, one vote for such share of stock owned by such voting stockholders. Executors and administrators shall have power to represent the stock of the estate of his, her, or their testator or intestate; and guardians to represent the stock of the person or persons for whom such guardian or guardians may be empowered to act.

Stockholders.

SEC. 4. Be it further enacted, That the persons named as corporators in the first section of this act, or a majority of them, and such person or persons as shall join and become associated with them in the premises, shall meet at such time and place, in the city of Huntsville, or at such other place in this State as they shall designate and appoint, and at such appointed time and place, shall proceed to take and receive subscriptions to the capital stock

Subscriptions.

of said company, payable in such time and manner as may be determined and agreed on by and between the majority of said corporators and associates acting with them, and the party or parties who may desire and propose to take stock in said company, which business may be transacted or completed at subsequent adjourned meeting or meetings, as may be deemed necessary, if not completed at the first meeting.

Organization.

SEC. 5. Be it further enacted. That when as much as one hundred thousand dollars shall have been subscribed, as authorized in the last preceding section, to the capital stock of said company, then at such time and place, in said State of Alabama, as may be determined by a majority of the subscribers in interest to said stock, there shall be a meeting of the said subscribers for the purpose of organizing said company by the election of a board of directors, to consist of not less than five members, and said directors to be chosen from the subscribers to the Stock by ballot. The officers of said company shall be a president and a secretary and treasurer, and such other officers as the board of directors may deem necessary. The president of said company shall be elected by the board of directors from their own number, and the board of directors shall also select the other officers, and fix the compensation or salary of the president and officers. The president so chosen shall continue in office until the election of his successor, and the directors shall continue in office until the election of their successors by subsequent convention of the stockholders, the time and place of holding which to be designated by the meeting at which such directors are elected, or, on its failure to do so, the time and place for such convention to be fixed by the board of directors, of which the stockholders shall have such notice as the board shall direct. The election of said directors, and by them of the president, as provided above, shall constitute the organization of said company.

Increase of stock.

SEC. 6. Be it further enacted. That after the organization of said company, by and with the consent of the persons holding the larger amount in value of its stock, first obtained at a meeting of the stockholders of said corporation convened for the purpose of voting upon the proposition, to be held after ten days' notice given by publication in some newspaper to be designated by the

board of directors, the said corporation shall have the light, from time to time, to increase its capital stock, and to take and receive additional subscriptions to its capital stock from time to time; and, in doing so, may, as it may deem proper and advantageous, receive such additional subscriptions, payable in whole or in part in real or personal property, or in stocks, bonds, rights or franchises of other corporations; and may take and receive such subscriptions in the same manner from either individuals or corporations engaged in the business of mining, or producing, or manufacturing iron, or steel, or coal, or any of their products; and may take and receive proper conveyances for such lands, mineral rights and personal property in payment of such subscriptions for stock.

SEC. 7. Be it further enacted, That there shall be annual meetings or conventions of the stockholders of said company, at the principal office of the company, at Huntsville, Alabama, or at some other place equally convenient to the stockholders, to be fixed by the board of directors, for the election of president and directors, and for the transaction of such other business relating to the interests of the company as such conventions, when assembled, shall deem necessary or proper, of which conventions such notice shall be given to the stockholders as said company, by by-laws or otherwise, may prescribe, or as may be directed by the board of directors on omission of the company to prescribe; Provided, that omission or failure to hold any such convention within the time prescribed shall not have the effect to cause a dissolution or discontinuance of such company. It shall require a representation of a majority in value of the stock held or owned in said company by stockholders in person, or by their duly constituted proxies or agents, to form a convention competent to transact business binding on the company or its stockholders. The number of directors to continue, as provided in the fifth section above, until otherwise provided by the company, which shall have power to increase or diminish the number as it shall deem proper. The president and directors shall be elected for a term of one year, but may continue in office thereafter until the election of their successors. Vacancies in the office of president or directors that may occur may be filled until the subsequent election by the board of directors, a majority of which will constitute a quorum for the

Annual meetings.

transaction of business. Said company, acting by its stockholders in convention, shall have power to enact all such rules and by-laws as may be deemed needful and proper for the management and carrying on of its business, and may elector appoint all such officers, other than president and directors, as may be deemed necessary or proper, and fix the tenure and qualifications of each, and prescribe rules for the transfer of stock by the respective stockholders.

SEC. 8. Be it further enacted. That the business of said company is hereby declared to be, and shall be, the mining and tale of iron ores and coal, and the production and manufacture and sale of coke, iron and steel in their crude or finished state, and the manufacture of any products from iron or steel.

Business of company.

SEC. 9. Be it further enacted. That said company shall have power to contract for, purchase, and own all such lands and mineral rights and timber rights and other property, and to purchase and to construct such furnaces, rolling mills, and buildings and structures and appurtenances as may be deemed needful and useful in carrying on its business permanently in the most efficient and advantageous manner. Said company shall also have power to purchase or lease or lay out and construct and use all such tramways and railways, or other roads or ways, that may be needful and convenient for the transportation of the minerals and other materials and things that may be required in its business, and for the transportation of its products ; Provided, that the company shall possess or lawfully acquire the rights-of-way for the same before the construction of any such ways or roads.

Powers.

SEC. 10. Be it further enacted. That the said corporation, by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, at any meeting of said stockholders, duly and legally called by the board of directors of said company for that purpose, shall have the power and authority which is hereby given to it, to make and issue its bonds for such sums and in such amounts, and payable at such time or times, as the said stockholders may determine, which said bonds shall bear such rate of interest, not exceeding eight per cent. per annum, as the said stockholders may deem best, and to secure the payment of said

May issue bonds.

bonds and the interest thereon, the said corporation is hereby given power to execute a mortgage or deed of trust in its corporate name and under its corporate seal, upon all of the property of said corporation, including its franchise, or such part thereof as said stockholders may determine best; the said bonds and deed of trust to be signed by the president, countersigned by the secretary of said company, and sealed with the seal of said corporation ; and the said company is hereby authorized to sell and dispose of its said bonds for its purposes, as the directors may think best, or to pay the same for any real or personal property, rights or franchises purchased by said company on such terms as the board of directors may deem best for the company.

SEC. 11. Be it further enacted, That said corporation may issue also preferred stock, in such sums, and for such an amount, and on such terms and conditions, and with such rights and privileges, as a majority in value of the stockholders of said company, in convention assembled, shall determine, and thereafter said company shall not have power to abridge or change the conditions, rights or privileges thus accorded to the holders of preferred stock, or to do any act that will impair the value or security of such preferred stock, without the consent of the holders of the same.

Preferred stock.

SEC. 12. Be it further enacted. That said corporation shall have the right to lease and purchase, and to hold and own the real, personal or mixed property, or stock, or franchises of other corporations engaged in any similar business; und said corporation may pay for the same in money, bonds, notes, or by an issue of its own stock, either common or preferred, on such terms and in such amounts, and upon such conditions as said corporation may deem best, acting by and through its stockholders, in convention assembled, or by its board of directors, they having been duly authorized to act in the premises.

Rights.

SEC. 13. Be it further enacted, That said corporation is authorized to constitute and establish an agency or agencies outside of this State for the transfer of the shares of its capital stock, and to enact all by-laws necessary to provide for the transfer of such shares at such agency or agencies.

Approved February 26, 1889.

No. 465.] AN ACT [H. B. 864

For the relief of S. F. Pennington, late sheriff of Lamar county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That S. F. Pennington, late sheriff of Lamar county, be, and he is hereby allowed, the sum of forty-one dollars for moneys expended by him in capturing fugitive felons who had fled to the State of Mississippi, namely: Green Hollis, convicted of manslaughter and sentenced to the penitentiary for nine years, and Frank Bolin, convicted of burglary and sentenced to the penitentiary for four years, to be paid out of any money in the State treasury Dot otherwise appropriated, and the State auditor is authorized to draw his warrant on the State treasurer for said amount in favor of said Pennington.

Appropriation for capture of felons.

Approved February 28, 1889.

No. 466.] AN ACT [H. B. 399

To relieve William E. Jones, of Chambers county, Alabama, from the disabilities of non-age.

SECTION 1. Be it enacted by the General Assembly of Alabama, That William E. Jones, a minor, seventeen years old, residing in Chambers county, be and he is hereby relieved from the disabilities of non-age, and is hereby invested with the right to sue and be sued, contract and be contracted with, to buy, sell, and convey real and personal property, and generally to do and perform all acts which such minor could lawfully do if twenty-one years of age.

Relief from non age.

Approved February 27, 1889.

No. 467.] AN ACT [H. B. 501

For the relief of Mrs. Mary Johnson, widow of Bryant Johnson, late of Conecuh county.

Whereas, It has been made to appear that Bryant Johnson, late of Oonecuh county, erroneously listed, and paid State and county taxes on lands belonging to Micajah Johnson for the years 1880, 1881, 1882, 1884, 1885, 1886 and 1887, aggregating in amount paid to the State the sum of eight 88-100 dollars, and to the county the sum of ten 72-100 dollars, and that the said Micajah Johnson, the rightful owner of said lands, also paid State and county taxes on the same lands for the same several years named above; therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That upon the presentation of a certificate from the probate judge of said county, stipulating the amounts thus erroneously paid by the said Bryant Johnson, the State auditor be and he is hereby authorized and required to draw his warrant on the State treasurer for the sum of eight 88-100 dollars, with the accrued interest, in favor of the said Mary Johnson, and that the commissioners court of said county be and they are hereby required to order a warrant drawn upon the county treasurer for the sum of ten 72-100 dollars, with its accrued interest thus erroneously paid into said county treasury, and in favor of the .said Marv Johnson. Appropriation to refund taxes

Approved February 28, 1889.

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No. 468.] AN ACT [H. B, 110

To repeal section 4193 of the Code, so far as the same relates to the county court of Covington county, and provide for the transfer of the unfinished business in said court to the circuit court of said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county court of Covington county provided for in section 4193 of the Code, be and the same is hereby abolished. County court abolished.

SEC. 2. Be it further enacted, That the probate judge
Duty of judge of said county be and he is hereby directed to make a
of probate. true transcript of all the unfinished business in said
court, and deliver the same under seal to the clerk of
the circuit court in said county.

SEC. 3. Be it further enacted, That the clerk be and
Duty of circuit he is hereby directed to place the same on his docket
clerk. for trial in said circuit court, as other cases for trial
are docketed, and section 4193 of the Code, so far as it
relates to the establishment of the county court of Covington county, be and the same is hereby repealed.

Approved February 28, 1889.

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No. 469.] AN ACT [H. B. 792

To create the town of New Decatur a separate school district, to incorporate the same and define its powers and duties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the territorial limits of the town of New Decatur, as defined in the incorporation of said
Separate town, be and the same is hereby created a school dis-
school district. trict separate and distinct from the other school districts of the county of Morgan.

SEC. 2. Be it further enacted, That the inhabitants residing within the territorial limits of said district be and they are hereby constituted a body politic and corporate by the name and description of "The school
Name, etc district of the town of New Decatur," and by that name may sue and be sued, may contract and be contracted with, may have, take, hold, sell, exchange and convey real and personal property, and may acquire such property by purchase or gift ; may have perpetual succession, and may exercise all the rights, powers, franchises and privileges which are necessary or proper to carry into effect the purposes of this act.

SEC. 3. Be it further enacted, That the governing body of said corporation shall consist of seven trustees, res-
Trustees. ident male citizens of said district, above the age of twenty-one years, who shall be elected as herein provided, by the electors residing in said district, who are

males above the age of twenty-one years, and who have resided within said district for three months continuously immediately prior to the day of election.

SEC 4. Be it further enacted, That the first election of the trustees of said district shall take place on the first Monday in April next, at such place within the said district as may be appointed by the corporate authorities of the town of New Decatur, and of the place so appointed, the said authorities must give at least ten days notice by posting notice at four or more public places within said district. Thereafter the election of trustees must be bi-ennially on the first Monday in April at such place or places as may be designated by the corporate authorities aforesaid. Election.

SEC 5. Be it further enacted, That at least twenty days before an election of trustees, the corporate authorities of the said town of New Decatur must appoint three inspectors for each voting place, resident male citizens of the age of twenty-one years, under whose direction the said election must be conducted and held. The inspectors must, before entering on their duties, severally before some officer authorized to take and certify oaths, take and subscribe an oath in writing, fairly and impartially to hold and conduct the election, which oath must be filed in the office of the mayor or intendant of said town of New Decatur. The polls at such election must be opened between the hours of 8 and 9 o'clock in the morning, and when opened, must remain open until 5 o'clock in the afternoon. If any of the inspectors so appointed fail to attend by half past 8 in the morning, the inspectors or inspector attending must appoint another inspector or inspectors in the place of the one or more not attending, who must have the qualifications herein prescribed, and must take the oath herein prescribed. The voting at such election must be by ballot, and the ballot must be a plain piece of white paper, on which must be written or printed the names of the persons voted for as trustees. Immediately on closing the polls, it is the duty of the inspectors to count the votes polled, and to make and certify a statement in writing of the number of votes polled, the number of votes received by each person voted for as trustee, which statement must be filed with the mayor or intendant of the town Inspectors.

of New Decatur, together with the poll list ; and with the mayor or intendant must be deposited the ballot boxes, sealed up by the inspectors, containing the ballots cast at the election and the poll lists, and such ballots and poll lists sealed up, must be preserved by the mayor or intendant for the space of ten days; when, if there be not a contest of said election, he shall open the box and destroy such poll lists and ballots. The mayor or intendant of said town must, if there be not a contest of the said election, on the expiration of ten days from and after the day of election, issue to the persons having the largest number of the votes cast, as shown by the statement filed with him by the inspectors, a certificate of election. If at such election two or more persons receive an equal number of votes, the inspectors must decide between them by lot. Within ten days any qualified elector of the district may contest the election of any person as trustee

Contests. before the judge of probate of the county of Morgan, by filing with the said judge a statement in writing, verified by affidavit, setting forth that at the time of the election he was a qualified voter of the district and the name or names of the person or persons whose election it is proposed to contest, and the particular grounds of such contest. The following and none other shall be deemed grounds of contest of the election, viz: Malconduct, fraud or corruption on the part of the inspectors, or on the part of the mayor or intendant, affecting the result of the election, because of illegal votes affecting the result of the election; because of the ineligibility of the person elected. On the contestant filing the statement aforesaid, and giving bond with two good and sufficient sureties, who must by the judge of probate be approved good and sufficient, in a penalty not less than two hundred and fifty dollars, payable to the said judge, with condition that the contestant will prosecute such contest to effect, or if he fail therein, that he will pay all the cost thereof, and such bond, without regard to its penalty, whether such penalty is less than or exceeds the costs, shall be taken and deemed as binding the obligors to pay the costs which may be adjudged against the contestant, and for such coats, when taxed by the judge of probate, execution

may issue against any or all of the obligors in said bond. Such statement and bond being filed, the judge of probate must appoint a day, not exceeding ten days thereafter, for the trial of such contest, and must issue a notice with a copy of the said statement, directed to the person whose election is contested, which must be served on such person at least five days before the day appointed for the trial. The proceedings on such contest must in all other respects be conducted as elections are contested under the statute regulating the contest of elections before the judge of probate.

SEC. 6. Be it further enacted, That the trustees so elected shall have power to enact by-laws for their own government, and for the management and government of the public schools in said district, all which schools are placed under the control of the said trustees, subject to the supervision and visitation of the State superintendent of education. The said trustees shall locate the several public schools of tlie district, and may change such location as often as is deemed advantageous and expedient. They shall receive all funds and moneys accruing to the said school district, and apportion the same to each school. They shall, as may be expedient, grade the several schools, and must, as soon as may be convenient, attach to one or more of the male schools a department in which the pupils will be instructed and employed in the practical use of mechanical tools or implements, and to one or more of the female schools an industrial department in which the pupils will be instructed and employed in all that is necessary to housekeeping and needlework, and they shall, as is required by the laws of the State, maintain separate schools for the white and for the colored race, apportioning to these separate schools all public funds as such funds are apportioned by the general laws, and applying to the use of each school all funds or property which may be donated to the said school district for the use of such school. They shall have the care and management of all property acquired by the said school district, but shall not have power to dispose of any real estate donated to said district for the use of the colored school without the consent of a majority of the colored male inhabitants of the said district, of the age of twenty-one years, to be ascertained by an election held for that purpose at a time and place to be appointed by the said trustees, of which ten

Duties of trustees.

days notice must be given, nor shall said trustees dispose of any real estate donated to said district for the use of a white school without, in like manner, obtaining the consent of a majority of the white male inhabitants of the said district of the age of twenty-one years. They shall employ all teachers of the said public schools, fix their compensation, and remove them at pleasure. They shall contract for and superintend the erection and construction of all houses and buildings for the use of the public schools, and the proper furnishing thereof, and shall cause the same to be kept in proper repair, and properly supplied with necessary fuel. They shall, subject to the supervision and control of the State superintendent of education, prescribe the course of study and the books to be used in said schools, and further to do and perform all acts necessary to the maintenance of good public schools in said district.

SEC. 7. Be it further enacted, That the said trustees shall elect a clerk and treasurer, who shall serve during the term of the trustees electing them, and shall be removable at the pleasure of a majority of the trustees. The clerk shall be the keeper of the books and records of the trustees, and shall keep a full and accurate minute of all their proceedings. The treasurer shall have the custody, and shall receive all moneys accruing to the said school district from any and all sources, and shall pay out the same on the order of the trustees as shown by the warrant of the clerk directed to him. He shall give bond with at least two good and sufficient securities, payable to the said school district by its corporate name in a penalty double the amount which it may be supposed will come to his hands annually for safe keeping and disbursement, with condition that he will faithfully keep, and fairly and justly account for all the moneys received by him, and for all defaults committed by him the obligors in said bond shall be liable, though such default may exceed the penalty in the said bond expressed, and the clerk and treasurer must conform to and obey all rules, regulations and by-laws provided for their government by the said trustees.

Clerk and treasurer.

SEC. 8. Be it further enacted, That said trustees shall have full power to levy a tax for the maintenance of the public schools in said district on all property, real and personal, within said district subject to taxation by

the State, not to exceed one-half of one per centum on the value thereof as assessed for State taxation the preceding year. The said tax must be assessed by the clerk of said trustees, he having first taken an oatli fairly and accurately to make such assessment, and the said tax must be collected by such officer or person as the said trustees may appoint, and for the enforcement of the payment of such tax all the remedies may be employed which the tax collector of the county may employ for the collection of State and county taxes, and real estate may be sold for the non-payment of sncli tax by like proceedings and in the same manner in which real estate may be sold for the non-payment of State and comity taxes. School tax.

SEC. 9. Be it further enacted, That the said school district shall receive its full and just proportionate share of the public school revenues, including a just pro rata share of the sixteenth section funds of the township in which the said district is situated, and shall receive all the taxes collected as poll taxes within the said district, all which revenue and funds must be collected by the county superintendent of education, and paid to the treasurer of said trustees. School funds.

SEC. 10. Be it further enacted, That the said trustees shall make to the county superintendent of education all such reports as may be required by law of township superintendents. Reports.

Approved February 28, 1889.

No. 470.] AN ACT [H. B. 704

To amend sections one, three, five and thirteen of an act entitled an act to establish a river commission for Mobile river and branches, and to define its powers, approved February 28,1887.

Be it enacted by the General Assembly of Alabama, That sections one and three of the act in the foregoing title mentioned, be amended so as to read as follows :
Section 1. Be it enacted by the General Assembly of Alabama, That the mayor of the city of Mobile, the president of the board of revenue and road commissioners of Mobile county, or of any revenue board for

Said county by whatsoever name it shall be known, if any, which shall hereafter by law succeed the said River commission. board of revenue and road commissioners, the president of the Mobile Chamber of Commerce, and their successors in office virtute officii, and a lawyer of not less than ten years standing at the bar of Mobile, to be appointed by the governor every four years, commencing January 1, 1887, and a citizen of the county of Mobile of not less than ten years residence therein, who shall not be a practicing attorney, to be appointed by the governor every four years, beginning January 1, 1889, be and the same are hereby constituted a body politic, under the name and style of "The Mobile River Commission," with the power and duty to provide a corporate seal for the authentication of all of its official acts; Provided, that the lawyer appointed on said commission shall not be employed to prosecute or defend any suit brought by or against said commission.

SEC. 3. Be it further enacted, That the abolition of any one or two of the officers designated in the first section of this act, shall not thereby dissolve said commission, but the incumbents of the remaining offices and the appointees of the governor as hereinbefore provided, shall constitute the said commission. A majority of said commission shall be a quorum for the transaction of business. Be it enacted by the General Assembly of Alabama, That section five of the act mentioned in the foregoing title, be and the same is hereby amended so as to read as follows : Section 5. Be it further enacted, That all bulk-heads, wharves, booms, stacks, piles, dry-docks and similar structures, Nuisances. heretofore constructed, or placed within the above defined limits, which do not conform to the bulkhead or channel lines and regulations established by said commission, and all wrecks or sunken or disabled boats or water crafts lying without said lines shall be prima facie a nuisance, and all such bulk-heads, wharves, stacks, piles, booms, dry-docks or similar structures, wrecks, or sunken or disabled water crafts, which are hereinafter constructed, placed or sunk or maintained in violation of the lines and regulations established by the said commission in reference thereto, are hereby declared to be a nuisance, and all such nuisances may be abated as hereinafter provided, or in any other

manner now or hereafter authorized by law, as to all such future structures, or obstructions. A violation of such regulation shall be a public offense, which may be prosecuted by indictment or criminal information, and on conviction thereof the party offending shall be fined a sum not less than the costs of abating said nuisances, as may be shown by the evidence, unless he has already paid the cost of such.. abatement, and an additional sum not exceeding two thousand dollars over and above the cost of such abatement, which fine shall be ascertained and fixed by magistrate, or jury trying the case if tried by a jury. But if any respondent or defendant shall plead in abatement to any information filed or indictment found against him for any such offense, and shall prove thereunder that such offense was committed more than twelve months before the exhibition of the information or the finding of the indictment, and that said commission had not within twelve months and more than thirty days before the said exhibition of such information of the finding of such indictment, served written notice on the owner or agent in charge of said structure or obstruction, or person erecting or placing the same, to abate such nuisance, such information or indictment shall be abated, and no further prosecution for such offense shall be maintained, if objected to by plea in abatement, until written notice as above provided, shall have been given within twelve months, and more than thirty days from the beginning of such prosecution; and the obstruction or placing of such structures or obstructions in violation of law, and the maintenance thereof after notice to abate the same has been given, for each day that they are so allowed to remain, may be held and treated as a continuing offense, and the owner, manager, superintendent, agent, contractor, or other employe, ordering or engaging in the erection or maintenance of said structures or obstructions shall be held guilty under this section. And the police of the city of Mobile are authorized to enforce the regulations of said river commission, and to arrest all offenders who may be found violating, or who on proper warrant, may be charged with having violated such regulations. And the mayor or acting mayor of said city is hereby au-

Penalty.

Triable by mayor of Mobile.

thorized and empowered to try, and upon conviction punish, all such offenders by a fine not exceeding fifty dollars a day for each day that such offender may be engaged in the construction or maintenance of such illegal structure or obstruction; Provided, that the said mayor or acting mayor shall not have jurisdicion to try any case with reference to any structure or obstruction, which was erected or placed more than twelve months before the commencement of the pros-
Appeals. ecution. An appeal shall be allowed from the decision of the mayor or acting mayor, as in cases of appeal from the justice of the peace. All fines levied under this section shall be paid over to the county treasurer,
Fines. and shall be held subject to the order of said river commission. The said commission will also regulate the mooring or anchoring of rafts within the limits of its jurisdiction. And the said commission may also regulate the anchorage or moorage of steamboats or other water crafts for a greater length of time than one month, except for the purpose of taking on
Other powers or discharging cargo; and any violation of such regu-
of commission. lation by the owners or persons in charge of any such rafts or boats shall be a misdemeanor, and the mayor of the city of Mobile shall have jurisdiction to try and punish all such offenders, if the prosecution be commenced within twelve months, and all fines so imposed, and cost of the prosecution, shall be a lien on such rafts or boats which may be seized on a writ issued by the mayor or acting mayor, at the beginning of or during the prosecution or after conviction, and sold without further levy, to satisfy such fines and the costs of prosecution, including the costs of seizure and sale;
and all such sales shall be conducted in the same manner as sales of personal property on execution; the surplus arising from any such sale to be paid over to the proper claimant, or to be deposited with the county treasurer for account of such claimant when known. Be it further enacted, That section 13 of said act be amended so as to read as follows : Section 13. Be it
Meetings. further enacted, That said commission shall hold regular meetings, at least once every two mouths, at times to be fixed by the by-laws of said commission, with the right to adjourn from day to day, or to such other time as may be fixed by resolution of such commis-

sion, if a quorum be present, or by those present, in the absence of a quorum, aud may hold special meetings on call of the president or the majority of said commission, and the same to adjourn in like manner; but no special meeting shall be authorized to transact any business, unless at least one day's written notice shall have been given absent members, if in the county, which notice shall contain a statement of the special matter to be acted on at the meeting. But if all the members are present, any legitimate business may be transacted at any such special meeting, and the minutes shall show, in all cases, who were present, and whether the meeting was a regular or special meeting, and if a special meeting, a copy of the notice served as above required, and the fact of the service.

Approved February 28,1889.

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No. 471.] AN ACT [H. B. 902

To regulate the practice and proceedings in civil cases in the circuit court of Jefferson county, in this State, and in supreme court on appeal from judgments rendered in said cases.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in all cases commenced in the circuit court of Jefferson county, in this State, by summons and complaint, the defendant shall be required to appear and demur or plead to the complaint within thirty days after the service of the summons and complaint upon him, whether such service be made in term time or vacation; and in all cases commenced by attachment, the defendant shall appear and demur or plead within thirty days after the levy of the attachment and service of notice thereof, or, in case the suit is against a non-resident, or other person upon whom service may be had by publication, within thirty days after service is perfected by such publication ; and in all other cases, the defendant must appear and plead or demur within thirty days after the perfection of service upon him ; and in all cases, whether commenced by summons and complaint, attachment, or otherwise,

Defendant shall appear and demur or plead in thirty days.

any defendant failing for more than thirty days after service has been perfected upon him to appear and demur or plead, shall be held to be in default, and, at any time thereafter, judgment by default, on motion of the plaintiff, may be rendered against him; Provided, however, that the court may, for good cause shown, allow such judgment so obtained by default to be set aside, and demurrer or pleas to be filed, on such terms as the court may think just; but no application to set aside such judgment, unless it be for some reversible error committed in the rendition thereof, shall be entertained by the court, unless accompanied by an affidavit made by the defendant or his agent or attorney to the effect that, in the belief of the affiant, the defendant has a lawful defense to such suit.

SEC. 2. Be it further enacted, That all garnishments issued from said court shall require an answer thereto within thirty days after the service thereof; and upon the failure of any garnishee to make answer within such thirty days, he shall be deemed in default, and a judgment nisi may be rendered against him upon motion of the plaintiff, if the plaintiff is otherwise entitled to such judgment nisi; and unless otherwise ordered by the court, or otherwise provided by statute or rule of practice, all citations, rules, scire facias, and notices issuing from said court shall require the party against whom they are issued to appear and plead within thirty days after the service thereof, or, if the citations or notices are to be given by publication, within thirty days after the perfection of service by publication; and all cases, whether commenced by summons and complaint, attachment, or otherwise, shall be deemed and taken to be at issue and triable upon the appearance of the defendant and his pleading to the plaintiff's complaint, petition or other pleading, or, if he does not appear within thirty days after the perfection of service upon him, at the end of such thirty days.

SEC. 3. Be it further enacted, That all original and mesne process, notices, citations and scire facias shall be executed instanter, and, unless otherwise provided by law, shall be returned immediately upon the execution thereof by the officer executing the same; and all executions, fieri facias, and venditioni exponas issuing from said court shall be made returnable ninety days after the issue thereof.

Sheriff's returns.

SEC. 4. Be it further enacted, That all cases brought by appeal or certiorari from justices of the peace or other inferior courts to said court shall stand for trial when reached on the regular call of the docket at any time after thirty daya notice of the taking of such appeal or suing out of such certioran shall have been given to the adverse party as required by law.

Appeals from justices, etc.

SEC. 5. Be it further enacted, That in all cases, whether commenced by summons and complaint, attachment, or otherwise, the issues and questions of fact shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit, or by the defendant at the time he appears, or by any other person interested in such issue or question at the time he appears; such demand must be made by the plaintiff or party occupying the position of plaintiff by indorsing the same in writing upon the summons and complaint, attachment, petition, claim or other paper filed by him, for the purpose of instituting such suit, or when he intervenes without suing out process, upon the pleading or paper filed by him for the purpose of presenting such issue or question of fact; and by the defendant or other party occupying the position of defendant, including garnishees, by indorsing such demand in writing upon the demurrer, plea, answer, or other pleading filed by him ; and when a cause is transferred to said court from the city court of Birmingham, it shall be tried by the court without a jury, unless, at the time of the application made for such transfer, a demand for a trial by jury be made in writing and filed in said cause ; and in all cases brought by appeal or certiorari from judgments of justices of the peace or other inferior tribunals, the issues and questions of fact shall be tried by the court without a jury, unless a demand for a trial by jury be made in writing and filed in the cause by the party taking the appeal or suing out the certiorari at the time of taking or suing out the same, or by the opposite party within thirty days after he has been served with notice of the appeal or certiorari.

Trials without jury.

When & how jury trials are to be demanded.

SEC. 6. Be it further enacted, That the judge of said court shall have power to make and adopt such rules of practice as, in his opinion, may be required by a

proper system of city practice, and to amend the same as may be expedient; such rules to be entered of record upon the minutes of said court, and may be changed or annulled by the supreme court of the State. Said judge shall also have the power to direct for what weeks of the term jurors for said court shall be summoned.

Rules of practice.

SEC. 7. Be it further enacted, That in the trial of any cause in said court without a jury, in addition to the questions which may be, under existing laws, presented to the supreme court of the State for review, either party may, by bill of exceptions, also present, on appeal, for review, the conclusions and judgments of the court upon the evidence; and the supreme court shall review the same without any presumption in favor of the court below on the evidence, and, in such cases, if they find that there is error, they shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings as to the supreme court shall seem right.

Appeals to supreme court.

SEC. 8. Be it further enacted, That cases which are now or which may hereafter be pending in said court, may be by consent of the parties thereto, transferred to the city court of Birmingham, which court shall thereupon proceed and dispose of the same as if they had originally been instituted in said city court; and in like manner cases may be transferred from the city court to the circuit court by the consent of .the parties thereto ; and the clerk of the court from which said causes shall be so transferred shall deliver all the papers, pleadings and evidence pertaining to said causes, together with a certified transcript of all minute entries made therein, to the clerk of the court to which said cause shall be transferred.

Transfers from one court to another.

SEC. 9. Be it further enacted, That after ten days from the rendition of any judgment in said court, unless otherwise directed in said judgment, the clerk of said court shall issue execution returnable as hereinbefore provided; Provided, however, that nothing herein contained shall prevent any person from having execution issued within said ten days, upon making affidavit as now provided by law in relation to the issue of executions upon judgments in the circuit

Executions.

court; And provided further, that nothing herein contained shall prevent the superseding of executions after the issue thereof, upon filing bond as now required by law.

Bills of exceptions.

SEC. 10. Be it further enacted, That all bills of exceptions relating to the trial of causes in said court must be signed by the presiding judge thereof within sixty days after the day on which the issue or issues of fact to which said bill of exceptions relates was tried, unless the time for signing such bill of exceptions is extended by agreement of parties, or by order of the presiding judge, as now authorized by law.

Final judgments.

SEC. 11. Be further it enacted, That final judgments rendered in sa'id court shall, after expiration of thirty days from their rendition, be taken and deemed as completely beyond the control of the court, as if the term of said court at which said judgments are rendered had ended at the end of said thirty days ; Provided, however, that nothing herein contained shall prevent parties from applying for new trials or re-hearings within said thirty days, or destroy or change the effect of motions for new trials or re-hearings, when so made, or shall prevent parties from applying to said court for re-hearings under the statute authorizing applications for re-hearings in the circuit court, or shall prevent the court from re-trying any cause under section 2871 of the Code of Alabama, or shall prevent the court from the exercise of any power or jurisdiction conferred upon the circuit court touching final judgments.

Rehearings.

Witness fees.

SEC. 12. Be it further enacted, That all witnesses in attendance upon said court must prove their attendance within five days after the termination of the trial of the cause in which they were subpoenaed or called to testify; and unless they prove their attendance within that time, their fees shall not be taxed as costs, nor shall they be recoverable against either party.

Trials this act shall not apply to.

SEC. 13. Be it further enacted. That the provisions of this act shall not apply to the trials of parties charged with misdemeanors or other crimes, whether commenced in said court or brought thereto by appeal; nor shall they apply to the trial of cases brought to said court by appeal from the judgment of the may-

or of any city or town in said county, for the violation of any municipal ordinance.

Approved February 28, 1889.

No. 472.] AN ACT [H. B. 970

To create the office of cotton weigher of Limestone county, to provide for filling the same, and to prescribe the duties and compensation thereof.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the office of cotton weigher of and for Limestone county be and the same is hereby created.

Cotton weigher.

SEC. 2. Be it further enacted, That until the next general election of representatives in the general assembly said office shall be filled by appointment of the governor.

Governor appoints.

SEC. 3. Be it further enacted, That at said general election of representatives, held in said county in August, 1890, and at such election every two years thereafter the qualified voters of said county sliall elect a cotton weigher, who shall hold said office until the next general election and until his successor is elected and qualified. In case of death, resignation or removal of the incumbent, the unexpired term shall be filled by appointment of the governor.

Election.

SEC. 4. Be it further enacted, That before entering on the duties of said office such weigher shall take the oath of office and give bond conditioned for the faithful discharge of its duties in the sum of one thousand dollars, to be approved by and filed in the office of the probate judge of said county.

Bond.

SEC. 5. Be it further enacted, That it shall be the duty of such officer to promptly and correctly weigh cotton at the town of Athens at the request of the owner or purchaser thereof, and he may if he sees fit appoint deputies to weigh cotton at other points in said county, whose duties at such points shall be the same and to be performed under the same circumstances as those of their principal at Athens, and such weigher and his deputies shall be entitled to five cents for each bale of cotton weighed by them respectively, to be paid by the persons requesting the service.

Deputies.

SEC. 6. Be it further enacted, That it shall be a misdemeanor punishable by a fine of not less than twenty-five nor more than one hundred dollars for such weigher or any deputy weigher to knowingly give false or incorrect weights or to knowingly make false or incorrect statement of weights. False weights.

SEC. 7. Be it further enacted, That this act shall go into effect on the first day of August, 1889.

Approved February 28, 1889.

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No. 473.] AN ACT [H. B. 741

To prohibit the selling, bartering, exchanging, or giving away of spirituous, vinous or malt liquor, intoxicating bitters or beverages within four (4) miles of Talbert Baptist Church in beat sixteen (16), in all directions, in Henry county.

SECTION 1. Be it enacted hy the General Assembly of Alabama, That from and after January 1, 1890, it shall be unlawful for any person or persons to sell, barter, exchange, or give away any spirituous, vinous or malt liquors, intoxicating bitters or beverages, within four (4) miles of Talbert Baptist Church in beat sixteen (16), in all directions, in Henry county. Liquor prohibition.

SEC. 2. Be it further enacted, That any person violating the provisions of this act, shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than fifty nor more than five hundred dollars, and may be imprisoned in the county jail, or sentenced to hard labor for the county for not less than two months, at the discretion of the jury trying the same ; Provided, the provisions of this act shall take effect on January 1, 1890. Penalty.

Approved February 28, 1889.

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No. 474.] AN ACT [H. B. 791

To incorporate the trustees of the indigent ministers' fund of the Coosa River Baptist Association.

SECTION 1. Be it exacted hy the General Assembly of Alabama, That A. W. Bell, George A. Joiner, John W. Bishop, J. K. Elliott and C. W. Stringer, and their successors, be and they are hereby declared and constituted a body corporate by the name and style of "The Trustees of the Indigent Ministers' Fund of the Coosa River Baptist Association," and by that name and style may sue and be sued, may plead and be impleaded, answer and be answered in any court of law or equity; may have, hold, possess and enjoy goods or chattels, lands and tenements ; and may transfer the same at pleasure.

Corporators.

Name.

Rights, powers, etc.

SEC. 2. Be it further enacted, That the members of said trustees of the indigent ministers' fund of the Coosa River Baptist Association, may have a common seal and may make such by-laws, rules and regulations as they may deem proper, which they may repeal or modify at pleasure.

SEC. 3. Be it further enacted, That the officers of said corporation shall consist of a president, secretary and treasurer, to be elected by the members thereof, to hold their respective offices for a period of twelve months, or until their successors shall have been elected and qualified.

SEC. 4. Be it further enacted, That said corporation is hereby authorized and empowered to receive donations of money or other personal property, and grants of real estate, to be held by it, for the purposes of its creation ; that is, to aid in the support and maintenance of indigent Baptist ministers and the widows and minor children of the deceased, within the territorial limits of the Coosa River Baptist Association as it now exists, or may hereafter exist; Provided, however, that only the interest on the money and the rents of the real estate shall be appropriated for such purposes.

SEC. 5. Be it further enacted, That said corporation is authorized to lend money and rent or lease real estate, and take notes, securities or mortgages therefor in all respects as a natural person would have a right to do under the law; Provided, however, that in lending its

moneys it shall give preference to Baptist churches which actually need help in building houses of worship.

SEC. 6. Be it further enacted, That it shall be the duty of the officers of said corporation to make a report to the Coosa River Baptist Association at each annual meeting, of all moneys from what source received and to whom disbursed, and all other transactions had by them officially since last report. Annual reports.

SEC. 7. Be it further enacted, That the members of said corporation shall have the power to fill all vacancies caused by death, resignation or removal, said appointees to hold office until the succeeding meeting of the Coosa River Baptist Association. Vacancies.

Approved February 28, 1889.

No. 475.] AN ACT [H. B. 684

To define and prescribe a lawful fence in certain portions of the county of Madison.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a fence made out of wire and posts as hereinafter prescribed, shall be deemed a lawful fence within the bounds as set forth in section three of tins act. Lawful fence.

SEC. 2. Be it further enacted, That the lawful fence as provided in this act shall be as follows, to-wit: To be constructed of wire of three strands, the first wire, to be twenty-one (21) inches from the ground, next two fifteen inches apart. The posts to be forty feet apart, and slats eight feet apart between the posts.

SEC. 3. Be it further enacted, That this law shall be in full force and effect in the following described limits in the county of Madison, to-wit: Commencing at the end of tlie turnpike on Tennessee river at Whitesburg and running northward with the turnpike to Huntsville; thence from Huntsville eastward with the Bellefonte road to Maysville precinct line; thence running so as to include all of Maysville precinct west of Hurricane creek; then beginning on the north boundary of the Maysville precinct at the centre of the south boundary of section 31, township 2, range 2 east; thence north to the centre of said section 31; thence west along quarter

section line of said section line of said section 31, and also sections 36, 35, 34, 33, township 2, range 1 east, to intersection with the Sulphur Springs road; thence northwardly with Sulphur Springs road and section lines to the northeast corner of section 4, township 2, range 1, east, on township line; thence with the township line west to the northeast corner of section 4, township 2, range 2, west; thence on a direct line south with the section lines to the centre of the east boundary of section 9, township 4, range 2 west, on the Brown Ferry road; thence west with the quarter section lines to the county line south to the Tennessee river; thence eastwardly along said river and up the same to the place of beginning.

SEC. 4. Be it further enacted, That all stock that may break through any fence constructed as provided under this act shall be sold to satisfy any judgment for damages that may be rendered by any justice of the peace of Madison county on a suit to recover damages committed by said stock; Provided, that no person living outside of the prescribed bounds shall be liable for damages for stock trespassing upon lauds within the boundary of said stock law unless the party living inside of said boundary shall build and keep up a good fence around said boundary for their protection, of either rail, plank, slat, or of seven strands of wire, posts eight feet apart.

Stock law.

Approved February 28, 1889.

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No. 476.] AN ACT [H. B. 733

To incorporate the Jasper Trust Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Joseph F. Johnston, L. B. Musgrove, J. H. Crawford, J. G. Chamberlain and J. C. Musgrove, and their associates and successors, be and the same are hereby made a body politic and corporate, by the name and style of “The Jasper Trust Company,” and said corporation may have a common seal, and may break or alter the same at pleasure, and as such corporation they are hereby vested with all the powers and privileges of private corporations under the laws of this State, and such other powers as are hereafter granted.

Name.

SEC. 2. Be it further enacted, That the capital stock of said corporation shall be one hundred thousand dollars, divided into shares of fifty dollars each, and that said corporation may increase said capital stock to five hundred thousand dollars upon a vote of the stockholders voting a majority of the shares of the stock of said company. Capital stock.

SEC. 3. Be it further enacted, That said corporation may sue and be sued by its corporate name, and as such plead and be impleaded with, contract and be contracted with, buy, sell, own and use real and personal property, receive, hold and keep on deposit or otherwise all kinds of securities and valuables, and borrow and deal in money, bonds, exchange, discounts and deposits, and said corporation is authorized to make and negotiate loans on real estate, and to buy, sell and hold the same, and to make loans of money on such other security as said corporation may deem proper, and to do a general commission business, and are empowered to act as agent or broker of and for resident and non-resident corporations and natural persons in and about the negotiating, obtaining and placing of loans on mortgage or other security, and to act therein for either the borrower or lender, or as middle man between the same, and to charge and receive from either the borrower or lender such reasonable commission or compensation for its services in the premises as may be agreed upon by and between said corporation and the party for whom snch service shall be rendered. That said corporation is hereby empowered to issue and endorse bonds. Rights, powers etc.

SEC. 4. Be it further enacted, That the business and affairs of the corporation hereby created, shall be managed by five directors, to be elected annually by the share holders of said corporation at such time and place as may be directed by the by-laws thereof; that one of the number shall be elected by the said directors to be president of said corporation, whose powers and duties shall be such as by their said by-laws declared; said five directors to be elected by the shareholders voting, and the majority of the stock represented at such election shall elect said directors. Directors.

SEC. 5. Be it further enacted, That the officers of said corporation shall be the president and such other officers as said corporation, by its directors, may deem to

be necessary for the successful management of its business. Said directors may require of all its officers bond,
Officers. with satisfactory security in such sum as may be prescribed by the by-laws of said corporation, conditioned for the faithful discharge of the duties required by them by said by-laws and resolutions of the board of directors.

SEC. 6. Be it further enacted, That fifty per cent. of the proposed capital stock having been subscribed in good faith by subscribers of whose solvency the commissioners are satisfied, they shall call the subscribers together at
Organization. such time and place as they may appoint for the election of a board of directors and other officers, and the further organization of the proposed corporation; a majority in value of the subscribers being present in person or by proxy, at such time and place, they must elect a board of directors from the subscribers, consisting of not less than three nor more than nine members, and such other officers as they may deem necessary. The directors holding office for a term of twelve months thereafter and until their successors are elected and qualified, and thereupon the Jasper Trust Company shall be duly authorized and empowered to begin business under this charter, and to exercise all the rights, powers and privileges hereby granted.

Approved February 28, 1889.

No. 477.] AN ACT [H. B. 86.

To provide the means of ascertaining the value of stock killed or injured by the trains or locomotives of railroads in Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whenever any stock shall be killed or injured by any railroad train or locomotive, it shall be the duty of the section master on whose section such killing
Duty of section master. or injury occurs, within twenty-four hours thereafter, to notify the owner of said stock or his agent, if known, of the killing or injury to the same.

SEC. 2. Be it further enacted, That upon the demand of the said owner or his agent, it shall be the duty of said section master to select one disinterested person in

the neighborhood, who, together with another disinterested person, who would be a qualified jnror in the neighborhood, to be selected by said owner, or his agent, shall assess the value of the stock so killed, or if injured, the amount of such injury, and shall deliver to said section master and to said owner or his agent, a statement in writing, showing the value or amount of injury so ascertained, which statement shall be prima facie evidence of the value of such stock, or the amount of such injury in all trials in which such questions may arise.

Assessment of damage.

SEC. 3. Be it further enacted, That if the two persons selected as herein above provided, are unable to agree, they shall select a third, and the award of any two of them shall have the force and effect provided for in section two of this act.

SEC. 4. Be it further enacted, That if the owner of any stock so injured or killed is unknown, then it shall be the duty of such section master to inform the nearest justice of the peace, and he and said justice shall select two disinterested persons in the neighborhood, each selecting one, whose duty it shall be to assess the value of, or amount of injury to such stock, and who shall have the same power as to selecting an umpire, when they can not agree, and whose award shall be certified in the same manner, and shall have the same force as herein above provided for.

When owner unknown.

SEC. 5. Be it further enacted, That each of the persons appointed under the provisions of this act shall be entitled to fifty cents for his services, which shall be paid as costs in civil cases is paid.

Fees.

SEC. 6. Be it further enacted, That if upon the demand of the owner of the stock, or of the justice of the if peace, as herein above provided, as the case may be, the section master shall fail or refuse to select an appraiser, then said owner or said justice may select two disinterested appraisers, living in the neighborhood; the appraisers thus selected shall have the same power and their award shall have the same force and effect as in the case provided for in the preceding sections of this act.

If section master fails to act.

SEC. 7. Be it further enacted, That any section master knowingly failing to give the notice of the killing of or injury to stock, as required by the provisions of this act, shall be guilty of a misdemeanor.

Misdemeanor.

Approved February 28, 1889.

No. 478.] AN ACT [H. B. 735

To ratify and confirm the charter of the Jasper Land Company, of Jasper, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the charter of the Jasper Land Company, a corporation heretofore, on the 19th day of December, 1887, created and organized under and by virtue of the general laws of this State, and thereby authorized to purchase and own town and suburban property in and around the town of Jasper, in the county of Walker, and other personal and real property in Walker county, Alabama; to purchase and sell real estate, and interest in real estate; to lay off town lots, and to sell or rent the same; to construct buildings for sale or for rent, the rent thereof to collect and apply to the purposes of the company; to build, own and operate mills, factories and furnaces, or to subscribe for and purchase, own and dispose of the capital stock of other corporations organized for the purpose of building or operating mills, factories or furnaces; to build, own, operate or lease a street railroad or railroads, or to subscribe for, purchase or own the capital stock of a street railroad or railroads, built or operated by other companies; to build a hotel or hotels, and to lease, operate or sell the same, or to subscribe for and take stock in any hotel company organized by other persons; to build an opera house or theatre, and to lease or sell the same, or to subscribe for and take stock in any opera house or theatre company organized by others; to construct, own and operate a system of gas works, or an electric light plant, and water works, or to subscribe for or purchase stock in any gas, electric light, or water works company, organized by others; to own and operate any mine, or quarry, or to subscribe to the capital stock of any company, organized by others, for the purpose of mining or quarrying any mineral or stone; to make brick, or lumber, or to take stock in any company organized by others, for the purpose of making brick or sawing lumber; to subscribe to the capital stock of any railroad constructed into or near the town of Jasper; to purchase or own capital stock in any bank, manufactory or oth-

Charter ratified and confirmed.

er industrial corporation doing business in the county of Walker; to guarantee the bonds or obligations of any mill, factory, electric light plant, gas works, hotel, mining, quarrying, manufacturing or other industrial corporation, furnace or street railroad; to lay out a cemetery, and sell lots therein, or control and manage the same, for compensation or reward, and lay out streets, public ways, parks, or common, be and the same is hereby in all things ratified and confirmed.

Approved February 27, 1889.

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No. 479.] AN ACT [H. B. 719

To regulate the payment of claims against the fine and forfeiture fund of Randolph and Shelby counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, all claims against the fine and forfeiture fuud of Randolph and Shelby counties, shall be paid in their required order, by the treasurer of said county. Fine and forfeiture fund.

SEC. 2. Be it further enacted, That all laws and parts of laws, so far as they conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 28, 1889.

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No. 480.] AN ACT [H. B. 937

To establish a new charter for the town of Attalla.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the town of Attalla, in Etowah county, shall be and continue a body politic and corporate by the name of the "City of Attalla," and by that name may sue and be sued, receive and grant, and do all other acts as natural persons, in respect of the powers herein granted; may purchase and hold real, personal and mixed property, and dispose of the same for the benefit of said city, and may have and use a city seal, which may be broken, or altered or changed at pleasure. Charter of city of Attalla.

SEC. 2. Be it further enacted, That the corporate limits of said City of Attalla, shall extend one-half mile in all directions from the points where Broad street crosses the Alabama Great Southern Rail Road, with the following additions thereto, viz: Beginning where said half mile limits on the north cross the Alabama Great Southern Rail Road, and running along the north side of said railroad to the northern boundary line of the Christopher and Stuart Addition; thence along said northern boundary line to the western boundary line of said Addition; thence back to said half mile limits, and beginning where the half mile limits cross the Tennessee & Coosa Rail Road on the west; thence west along the Tennessee & Coosa Railroad to the land line; thence east along the land line to the half mile limits; and said corporate limits may be enlarged or contracted by the corporate authorities of said city; said corporate authorities may divide said city into four wards, which may be increased to five when said authorities think proper, and altered or changed as the authorities see fit, said alteration and changes being always made so as to apportion representatives as near as may be to the popular vote.

Corporate limits.

SEC. 3. Be it further enacted, That the government of said city shall consist of and its corporate powers be exercised by a mayor and four aldermen, or five aldermen in case of increase as aforesaid, one alderman for each ward, who shall be elected on the first Tuesday in March, 1889, and annually on the first Tuesday in March thereafter by ballot by the male inhabitants of said city of and over 21 years of age, who have resided in the State 12 months, in the .county three months, and in the ward 30 days next preceding said election, and are qualified electors under the general election laws of Alabama ; that should the election not occur on the day fixed for the annual election of mayor and aldermen, the corporation shall not for that cause be dissolved, but the incumbents shall remain in office until their successors are duly elected and qualified, and it shall be the duty of the mayor and aldermen to fix some day as early as convenient within one month thereafter, on which day said election shall be held, and should the mayor and aldermen fail to pro-

Government.

Election.

vide for the election annually, they shall be guilty of a misdemeanor. The officers elected shall hold their offices until their successors are duly elected and qualified.

SEC. 4. Be it further enacted, That the mayor and aldermen of said city shall designate the place of holding elections ; shall appoint three managers of election, who shall be legal voters of said city; shall prescribe the manner of holding elections and ascertain and declare who are duly elected. In case of a tie between any two or more candidates for the same office, the mayor and aldermen shall elect between such candidates and decide who shall fill the office in question, and vacancies in any of the city offices from any cause shall be filled forthwith by the mayor and aldermen. The corporate authorities of Attalla may appoint more polling places than one, but not to exceed one in each ward, and there shall be three managers of elections for each polling place, two of whom shall be members of opposing political parties, if practicable.

SEC. 5. Be it further enacted, That the ballots cast at any election under this act shall, after counting the same, be sealed up by the mayor and aldermen of said city and deposited with the clerk of the circuit court of Etowah county, Alabama, who shall preserve the same for twenty days after the election is declared; then if there is no contest, said clerk shall destroy the same ; but in event of contest the same shall be delivered to the judge trying such contest; that any election under tins act may be contested in same manner as is now, or may hereafter be, provided by the laws of this State for the contest of election of judge of probate, so far as the same will apply to contests under this act. Contests.

SEC. 6. Be it further enacted, That no person shall hold the office of mayor or alderman of said city who has not resided therein one year next preceding the election, and the alderman must be a resident of the ward and a qualified voter therein for which he is elected at the time of his election. Mayor and aldermen.

SEC. 7. Be it further enacted, That a majority of the board of mayor and aldermen shall be required to transact any corporate business, but any number not less than two may assemble at their regular place of

meeting, adjourn from day to day, and compel attendance of absent members in such manner and under such penalties as the board may prescribe ; that the board may prescribe its rules of procedure, fine its members for absence or disorderly behavior, and fill all vacancies that may occur by death or otherwise. In the mayor's absence at any meeting of the board, the members present may select a presiding officer, and in case of the mayor's sickness or his temporary absence from the city, or his incompetency by reason of interest or heirship, or other inability to discharge the duties of his office, he may appoint any alderman to act as mayor in his stead, and such mayor pro tempore, shall have all the powers of the mayor, and shall perform all his duties.

SEC. 8. Be it further enacted, That it shall be the mayor's duty to preside and keep order at the meeting of the board ; he shall call special meetings of the board whenever in his opinion the interest of the city require it; he shall keep his office in said city, and

Duties of mayor. hear and determine all cases of violation of all by-laws or ordinances, or charter of said city, and punish the offender in such manner as the board may direct; he shall receive such fees and salary as the board may prescribe, and he shall possess within the corporate limits of said city all the power and jurisdiction of a justice of the peace in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace, provided that he shall not be required to take jurisdiction of, try or determine any cause, civil or criminal, as ex-officio justice of the peace, that has not already come before him as mayor of said city. From any judgment or decision of said mayor as such,

Appeals. an appeal may be taken by the defendant to the next term of the circuit court of Etowah county, Alabama, upon defendent entering into bond with good and sufficient security to appear at the term of the court to which the appeal is taken and from term to term thereafter until discharged by law, to abide by and perform whatever sentence may be adjudged against him ; the bond to be payable to the City of Attalla in such penalty as the mayor may prescribe and to be approved by him, and such cause shall be placed on the criminal side of the docket,

and if the defendant be convicted the court or jury trying the case may impose fine and imprisonment, one or both, just as the mayor could have done under the ordinance of the city on the trial before him, and if the fine be not paid or imprisonment be imposed, the defendant shall be remanded to the city prison, there to remain until discharged, as provided by the ordinances of said city upon conviction before the mayor. In case defendant do not appear at the trial, but makes default, his bond shall be declared forfeited and judgment shall be rendered thereon against defendant and his sureties as in State cases, except that the judgment shall be in favor of the city of Attalla; Provided, that such appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor, and the case shall be tried de novo, and it shall be the duty of the court to speed the trial thereof. The mayor shall have jurisdiction of all proceeding by motion scire facias, or other writs instituted for the collection of any fund, or bond payable to the city of Attalla, taken under this act, or under the ordinance of said city passed in pursuance of this act, and from his judgment rendered in such proceeding execution thereon may issue and be enforced as execution from justice court; said mayor shall have the right, when the good or safety of the city may require it, to demand the aid of the sheriff of Etowah county for the protection of said city; he may punish any contempt while holding his court or while the board is in session by fine not exceeding twenty-five dollars and by imprisonment for not longer than ten days, one or both. He shall, at least once in every four months make a written statement to the board of the financial condition of the city, which statement shall be published in at least one of the papers published in the city ; he shall have the power to suspend the marshal or any policeman, until the next regular meeting of the board and report to said meeting the facts of such suspension and its cause, and he shall do and perform such other and further duties as the board may require, and he may compel the attendance of witnesses on his court by fining them not exceeding twenty dollars, to be enforced as other fines are enforced if they fail to appear and testify before him after being duly served with subpoena.

Jurisdiction of mayor.

Other duties.

SEC. 9. Be it further enacted. That the board may appoint a city marshal, clerk and treasurer of said city,

and such other officers as they may see fit, and think nec-
City officers. essary for the good government of said city, and prescribe the duties of such officers and their liabilities and powers, and may require them to give bond in such sum as they see fit for the faithful discharge of their duties, and may discharge and remove such officers at pleasure and fix their salaries. For any breach of the bond of such officers suit may be brought and recovery had before any court having jurisdiction, and such suit shall be governed in same manner as other like suits. The city council ,
Proceedings. shall keep a regular record of all proceedings, orders, regulations and ordinances of the board which shall be read to the board and signed by the mayor, or acting mayor, and the same shall be of the force and effects of a record, and a copy thereof duly certified by the clerk shall be prima facia evidence in any court of record or elsewhere, and said record shall at all times be open to public inspection.

SEC. 10. Be it further enacted. That the marshal shall have in said city all the powers of a constable, and shall be entitled to all the fees of such officer; he shall possess
Marshal. in said city all the powers of a peace officer; he shall execute the orders, notices, and process of the board, and of the mayor, and may arrest without warrant for all violation of city ordinances committed in his presence, but for all other violation of said ordinances, arrests must be made with warrant; he shall perform such other and further duties as the board may prescribe.

SEC. 11. Be it further enacted. That the mayor and aldermen of said city shall have full and complete powers :

1. To make and adopt by-laws and ordinances in whatever manner and upon whatever subject to carry out
Powers of mayor and alder- the powers herein granted, and for the good government
men. and order of said city, as they may think proper, and generally and in addition to the powers herein specifically enumerated, which are no limitation upon the powers included in this general grant of powers, to ordain and pass such ordinances and by-laws not inconsistent with the laws of the State, as shall be needful for the government, police interest, welfare and good order of said city ; and to affix thereto such penalties for the violation of the same by fine not exceeding one hundred dollars and by imprisonment or hard labor for the city, not exceeding

thirty days ; and all persons convicted of any breach of the by-laws or ordinances of said city, failing to pay or secure such fine may be imprisoned for such failure, or placed at hard labor for the city until such fine and costs are paid, in such manner as the board may direct, not longer than thirty days ; Provided, that any person shall have the right to give a stay-bond, with two good and sufficient sureties, to be approved by the mayor, to pay such fine and costs within thirty days from judgment imposing the same, but if after such bond and security such fine and costs be not paid in thirty days, execution to collect the same may be issued against the obligors in said bond. The board may pass all needful laws to compel persons to work on streets or elsewhere in the city, who refuse to work when under the mayor's sentence for violating any city ordinance; but no female must be punished by subjecting her to work on the streets.

2. To pass all laws and ordinances necessary to prevent the introduction of contagious or infectious diseases into said city, and to preserve the health thereof; to establish and regulate quarantine in said city, and within five miles thereof, and punish any breach of quarantine law.

3. To prevent and remove all nuisances at the expense of person causing the same, or on whose premises the same may be found; to remove all decayed and dilapidated houses and structures calculated to produce disease, or dangerous or unfit for habitation, at the expense of owner of the same, when they fail or refuse upon reasonable notice to remove or renovate and repair such houses or structures.

4. To establish, set up and regulate hospitals, work houses and houses of correction.

5. To license, tax, regulate or restrain theatrical and other amusements, and selling, retailing or giving away vinous, spirituous, or malt or intoxicating liquors or beverages.

6. To restrain or prohibit gambling, gaming houses, houses of ill-fame, disorderly conduct, breaches of the peace, riots, unlawful assemblies, public indecencies, racing, prize fighting, cock fighting, and anything else hurtful to the good order and morals of society, and all misdemeanors, and all gambling implements and devices of any kind shall be subject to seizure and for-

feiture under such lawful rules and regulations as the board may prescribe, when said implements and devices are brought to Attalla or made or kept or found there, to be used for gaming purposes.

7. To appoint and regulate day and night watchmen, police patrol and captain thereof.

8. To divide the city into wards and to regulate and change the same.

9. To establish, regulate and control markets, market houses, and to pass by-laws for the sale of meats, vegetables and other like articles within certain places and within certain hours.

10. To sink, repair and regulate public wells and cisterns, to establish and regulate fire plugs and public hydrants, and to make all needful provisions to supply the city with water, gas and gas lights, and electric lights, and to control street lamps.

11. To open, locate, repair and regulate and establish alleys and streets, and to change, alter, abolish and vacate them, or any part or parts thereof; to establish avenues, pavements, sidewalks, and curb and grade them and regulate the same, and to make all the salutary by-laws respecting the use of the streets.

12. To establish and build drains and sewers, aqueducts, and reservoirs and to regulate the same; and to compel owners of lots or real property to drain the same and ditch it at the expense of the owner, and to drain and ditch the same when the owner fails or refuses, after five days notice, to drain and ditch it, and tax expense of said ditching and draining against the property ditched and drained, which said tax shall have the lien of and be enforced and collected like other taxes. The board may extend drains and sewers beyond the city limits when necessary.

13. To establish, lay out, regulate and locate public parks.

14. To establish and regulate or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner a reasonable price therefor. To require all – owners of theatres, opera houses, and all other houses where the public assemble in mass to provide said houses with fire escapes and suitable exits.

15. To lay out, regulate and control city cemetery burial grounds, and to sell burial lots in same.

16. To prevent the running at large on the streets of all dogs, cows, hogs, horses, or other animals, and to pass all laws, in the judgment of the board, necessary for the sale and impounding of said animals, on proper notice to owners thereof.

17. To regulate and control running of cars on or across streets, avenues or alleys of said city, and to control the speed of such cars and locomotives in said city.

18. To pass all necessary and proper laws for the arrest with and without a warrant of all offenders against the city ordinances or State laws and to confine such persons until tried, convicted or discharged by law.

19. To pass all laws and ordinances in relation to auctioneers plying their vocation on the streets, and to prohibit or regulate the same, and to regulate pawn brokers.

20. To make and ordain all necessary laws concerning idlers, tramps, paupers, prostitutes, gamblers, disorderly or vicious persons in correcting or restraining their vicious habits, and to compel such persons to give bond and security, to be approved by the mayor, for their good behavior for a reasonable time, or upon their failure or refusal to give such bond and security, for their condemnation to hard labor for the city for a limited time, not exceeding thirty days.

21. To punish all persons who obstruct the marshal, or other officer, in the arrest of any person in said city, or in the lawful discharge of any duty in said city; and to punish all persons who, when called upon to aid in arresting any person, fail or refuse to give such aid.

22. Said board may establish necessary inspection, fix and regulate the assize of bread, and provide for the weighing and measuring of all kinds of produce for man or beasts, and regulate the same.

23. To regulate and control the manner of building partition walls and fences; to regulate the keeping and storage of guns, powder or other dangerous material, guano or other commercial fertilizer, within said city; to regulate and control the sweeping of chimneys, the

use of lights, stove-pipes and flues in all shops, stores, kitchens and other places; to cause the removal or pulling down of houses to prevent the spreading of fire and to extinguish the same.

24. To require property owners to keep sidewalks in front of their property in good order, and to pave the same when the board shall so order; to repair, keep in good order and pave sidewalks in front of such property whose owners shall, after being so ordered, fail or refuse to repair, keep in good order or pave said sidewalks for five days after notice, and to tax same against such property, which tax shall have the lien of and be enforced and collected as other taxes.

25. To exercise the power of eminent domain and condemn private property for streets, alleys, drains, sewers, public parks and squares, to supply the city with pure water, and for all other public municipal purposes proper, on making just compensation to owners of lands condemned; and the general laws of the State applicable to ad quad damnum suits and proceedings shall apply in all such cases. To build drains and sewers, and to supply the city with water, the corporate authorities may exercise the eminent domain powers as aforesaid outside of the city limits when necessary.

26. To have and exercise full police power in said city, to prevent crime and arrest offenders, to protect the rights of persons and property, to preserve the public peace, and for this purpose may command the aid and assistance of the sheriff of Etowah county, and all voluntary military companies in said city, whenever the mayor or the board may deem the same necessary.

27. To grant the right of way through the streets, avenues and squares of said city, for the purpose of street or other railroads, telephones, telegraph and electric light companies, and for laying pipes of gas and water companies.

28. To punish injuries to streets, sidewalks and trees, and to private and city property.

This act as evidence.

SEC. 12. Be it further enacted. That this act is declared to be a public act, and may be read in evidence in all courts of law and equity, and all ordinances, resolutions and proceedings of the city may be proved

by the seal of the corporation, attested by the city clerk, and when printed, purported to be published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

SEC. 13. Be it further enacted. That the mayor and aldermen of Attalla shall have authority to license, tax and regulate auctioneers, grocers, merchants, retailers, lawyers, brokers, coffee houses, confectioners, bankers, butchers, peddlers, taverns, doctors, dentists, livery stable keepers, and all other privileges, and also to license, tax, and regulate machinery, carriages, carts, omnibuses, wagons, drays, and all other vehicles. License.

SEC. 14. Be it further enacted. That said city council have authority to levy and collect from all persons, firm or corporation, trading or carrying on any business, trade or profession, by agent or otherwise, in said corporate limits, a license tax, which shall be fixed and declared by ordinance, and the license so laid shall be issued and the amount imposed shall be collected as may be provided by ordinance of said corporation ; Provided, that not more than one license tax under this act shall be assessed against or collected from parties trading or doing business under a firm name ; Provided,, further, that no license shall be exacted from any mechanic who employs no capital, but conducts his trade solely by his own skill and attention, without the aid of employees. The corporate authorities may also by ordinance impose such fines and penalties, within the limitation of this act, as they may deem advisable for the doing of any business, or carrying on any trade, or exercising any privilege, or practicing any profession by any party who shall fail to take out such license as may be imposed by the corporate authorities.

SEC 15. Be it further enacted. That the corporate authorities of the city of Attalla may levy and collect each year, upon all real and personal property, and all subjects of State taxation within said city, except the subjects enumerated in section 454 of the Code of Alabama, and except the tax levied on polls, a tax not exceeding one-half of one per cent. of the value of such property, or subjects of taxation, as assessed for State taxation during the year preceding that for Taxation.

which the corporate authorities may assess and levy the tax above provided for, and there shall be no exemption from such taxation; Provided, that personal property and subjects of taxation not in said city on the first day of January, 1889, or any subsequent year, but brought into said city during the year 1889, or any subsequent year, shall be assessed and taxed pro rata for the remainder of said year from the date it may be brought into said city; And provided further, that in case any property has escaped taxation in previous years, the clerk or tax assessor shall assess the same, to be collected as other taxes are collected ; And provided further, that if there was any property in the city on the first day of January, of the then current year, which was not in the city on the first day of January of the preceding year, or if there were any improvements on the first day of January, of the then current year, erected on property materially enhancing the value of such property, which said improvements had not been erected on the first day of January of the preceding year, and consequently not assessed for State taxation during the preceding year, then it shall be lawful for the city clerk, or city tax assessor, and it shall be his duty, to assess such property or improvements at a fair valuation, which said valuation shall be added to the valuation as assessed for State taxes for the preceding year, and the taxes so assessed shall be collected as other assessments are collected. All property used exclusively for charitable, educational and religious purposes, or either of them, shall be exempt from taxation by said city.

SEC. 16. Be it further enacted. That the taxable property of each tax payer, and the subjects of taxation on which he is taxable, and the amount of value of each item thereof, as valued by the assessor of Etowah county for the preceding year mentioned in section fourteen, shall be ascertained and fixed by the aforesaid tax assessor's books of such year, made by him according to law, and any supplemental assessment that may have been made by him for such year, all corrected according to the laws of Alabama.

County assessor's books.

SEC. 17. And be it further enacted. That the corporate authorities shall cause a copy of such tax asses-

sor's books, corrected as aforesaid, for each preceding year, to be made and entered in a bound book, properly prepared for that purpose, with all additions and alterations that may have been made under the provisions of this act; but when the property or subjects have changed owners since said assessments were made on it by said tax assessor, said copy shall be corrected as to show the true owner at the beginning of the year for which the tax provided for in this act is to be laid, and so as to show against whom the tax on each is laid ; if the property has, since such assessment, been destroyed or greatly damaged by fire or other cause, this shall also be rated with the estimated amount of damage.

SEC. 18. Be it further enacted. That as soon as the book provided for in the preceding section is made and corrected, it shall be filed with the clerk of the city of Attalla, where it shall remain for twenty days open to public inspection, and notice of the fact shall be immediately given by said clerk by publication of a notice to such effect for ten consecutive days in some newspaper published in Attalla. Any person charged in said book as the owner of any property or subject of taxation which he was not the owner of on the first day of January of the year for which the tax therein provided for is to be laid, shall, within twenty days, file with the clerk his affidavit to that effect, and if he knows the owner shall state who it is, or that he does not know. Any tax payer may file objections as to the correctness of said book as a copy of the aforesaid book of the tax assessor of Etowah county stating wherein said copy does him injury. Upon notice by the clerk that these objections have been filed said mayor and aldermen shall meet and determine all objections and correct said book accordingly, and their decision on such objections and as to all corrections to be made shall be final. Said mayor and aldermen shall continue its session from day to day until all objections filed are disposed of and no longer.

Assessment open to inspection.

Objections.

SEC. 19. Be it further enacted. That a majority of the board of mayor and aldermen shall be a quorum for the transaction of all business, and as soon as possible after the lapse of said twenty days, said board shall lay and levy for the current year the tax authorized by this act on all the property and subjects of taxation so listed

Levy of taxes.

and valued in the book heretofore mentioned, corrected as aforesaid.

SEC. 20. Be it further enacted, That the taxes levied under this act shall have the force and effect of a judgment at law against the person assessed therewith, and for said taxes so levied and all other taxes authorized by this act, the city of Attalla shall have a preferred lien over all incumbrance and securities whatsoever, except county and State taxes, and all taxes against the property of any persons under this act, or for which such person may become liable for the current year, shall be a lien upon the real and personal estate of such person within said city of Attalla from the first day of January of that year, or if brought in there after that time, the lien shall attach from the time it is brought into said city.

Lien for.

SEC. 21. Be it further enacted. That after the taxes shall be so fixed and levied, the mayor of said city shall certify the same at the end of said tax book, and append thereto his warrant directed to the person authorized to collect taxes for the city of Attalla, authorizing and commanding such officer to collect the taxes so levied, and shall deliver said tax book and warrant to such tax collector, and said collector of taxes shall thereupon forthwith notify the public by advertisement for thirty days in some newspaper in Attalla or by posting the same in three public places in said city that he is ready to receive payment of taxes. Taxes not appearing in said book but authorized by this act, will be collected on the warrant of the mayor directed to the tax collector commanding and authorizing him to collect said taxes.

Collection of

SEC. 22. Be it further enacted. That after thirty days have elapsed from the first publication of such notice, the city tax collector shall make personal demand on delinquents, wherever they may be found for their taxes and costs, and whenever unable to find them shall leave a written or printed notice at the place of residence of such tax payers, requiring them to come forward and pay such taxes and costs immediately, and for giving such notice the tax collector shall collect fifty cents; and it shall be the duty of such delinquent forthwith to make payment of their taxes and fees to the tax collector at his office, but no demand or notice shall be necessary to tax payers who are non-residents of said city.

Duties of collector.

SEC. 23. Be it further enacted. That the collector of taxes shall be charged with and accountable for the whole amount of the taxes assessed for the year, and can only be discharged from such accountability by showing that the taxes unpaid could not be collected by the means given him for their collection.

SEC. 24: Be it further enacted, That all taxes laid under this act, which are not at the end of ninety days from the first publication of the notice required in this act paid, shall be in arrears and delinquent from that date, and after the expiration of said ninety days as aforesaid, the tax collector may levy upon and seize any personal property, if there be any, and if there be none, or not sufficient personal property, then upon the real estate of such delinquent tax payers; Provided, that a failure to levy on and sell any personal property for taxes shall not vitiate the sale of real estate of each delinquent tax payer for taxes and costs of sale, and no personal property sold for taxes shall be subject to redemption, and no property shall be exempt from levy and sale for the payment of taxes and the fees and charges lawfully incurred in their assessment and collection.

Delinquent.

SEC. 25. Be it further enacted, That it shall be the duty of the tax collector, whenever upon information or otherwise, lie has good reason to believe that any person owing taxes, whether due or not, is about to leave or remove his property from the city, and thereby the collection of such taxes is in danger, to make out and certify to the mayor of the city a bill against such person for the amount of such taxes and fees due thereon, and upon the approval thereof by the mayor in writing endorsed thereon, such writs shall operate as a writ of fieri facias, which the collector is authorized to execute by levy and sale in same manner as sheriffs are authorized to execute such writs when issued out of the circuit court, and on the failure of the collector to act in the cases provided for in this section, he shall be liable for the taxes against such person.

Attachments.

SEC. 26. Be it further enacted. That when real estate is levied on for taxes, notice of the sale shall be given ten days before the sale in some newspaper published in Attalla, and the land so levied on must be described by such numbers and abbreviations as will clearly

Advertising.

indicate the land to be Sold, and the sale of such property shall take place in front of the post office in Attalla, commencing on the day indicated in the notice, and continuing from day to day until completed.

SEC. 27. Be it further enacted, That at all sales by the tax collector of property for taxes, he shall attend and bid off for the city of Attalla as purchaser all the lots and lands on which the tax collector cannot get a bid from other persons for the taxes and expenses of sale, and the city of Attalla shall have a certificate of purchase, and be invested with all the title to the property so bought in, subject to redemption hereinafter provided. When any real property is sold by the tax collector for non-payment of taxes, he shall give the purchaser at such sale a certificate to the following effect: I..... tax collector of the city of Attalla, do hereby certify that the city taxes for the year 18. ... (or the particular tax or assessment, as the case may be), amounting in all to $....., being due and unpaid by A. B., the owner or agent therefor, I have this day sold for the payment of taxes due by said (A. B.,) and for the collection of costs of levy and sale, to (C. D.,) who has paid the amount of taxes due as above, the following price, parcel or lot of land in the city of Attalla, and bounded and described as follows (insert description). By virtue of the power given me by law, I hereby authorize said (C. D.) to have and to hold the above described lands and tenements until the same shall be redeemed according to law. In witness whereof I have hereunto set my hand and affixed the seal of this corporation, this the ..... day of ..... 18....

Tax sales.

....
Tax Collector.

Said certificate shall be prima facie evidence of the regularity of all the previous proceedings, and of all the facts stated therein, and no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or as property of an unknown owner, or on account of any informality or irregularity whatever in the proceeding for its assessment of sale, unless the person impeaching said sale shall show that the taxes so assessed on said property, and all penalties and costs accruing on said assessment, and the proceeding for sale, were paid at the time of such sale. Any

real property sold under this act may be redeemed by the owner or any parson interested therein within two years after said sale by paying to the city of Attalla the amount of purchase money, all subsequent taxes and costs that may have been paid by the purchaser, and interest at the rate of fifteen per cent. per annum, and thereupon shall receive a certificate of redemption therefor. It shall be the duty of the city tax collector to keep in his office in a book provided for the purpose and properly indexed, a record of all certificates of purchase issued by him, and , when real estate shall be redeemed as herein provided, it shall be such tax collector's duty to note such redemption on such record, and when the purchaser or his assignee shall demand the money paid on such redemption, he shall pay the same to him upon the surrender of the certificate of purchase, and on his failure to do so, he and his bondsmen shall be responsible to the persons entitled to such redemption money. Said tax collector shall give to the person redeeming any real property a certificate of redemption signed by him, setting forth the facts of the sale substantially as contained in the certificate of sale, the date of redemption, amount paid and by whom re-, deemed, and such certificate shall be prima facie evidence of the facts therein stated, and the collector shall make report of the redemption as the corporate authorities may require. After the expiration of two years from date of sale the tax collector then in office shall, upon application of holders of certificates of purchase, make out a deed to each lot or parcel of land sold and unredeemed and deliver the same to the purchaser or his assignee upon return of certificate of purchase, payment of all subsequent taxes on the property, and one dollar for the deed; but any number of parcels of real property for which one person may hold certificates of purchase, may be included in one deed. Such deed shall be signed by the tax collector in his official capacity, and acknowledged by him before some officer authorized to take acknowledgments, and when so executed and recorded, shall vest in grantee all rights, titles and estate of former owners, free from all incumbrances made or suffered by them, except State and county taxes. Such deeds shall be prima facie evidence in all courts of this State in all controversies and suits in relation to the rights of the grantee therein to the land conveyed, of the facts recited in such deed, of

Right to redeem

Duties of collector.

the regularity of all proceedings in assessment and sale of said property required by this act, and of the titles of the grantee, his heirs and assigns.

SEC. 28. Be it further enacted, That should said corporate authorities require other means of collecting the taxes herein authorized, they may by ordinance adopt or substitute for any of the foregoing, the provisions contained in the Code of Alabama, or any part of such provisions, for the collection of taxes, so far as the same will apply, and have the same right to sell property and make titles to property sold for taxes as is provided for collecting State and county taxes, and said corporate authorities in adopting provisions shall, by adopting ordinance, declare which of such provisions they adopt, and in such ordinance they may change the provisions so far as to substitute the city tax collector for that of the State and county, and so as to adopt the provisions relative to State and county taxes to the collections of the taxes herein authorized; and the mayor and aldermen shall have power to collect all taxes and all fines by execution, levy and sale, and from such execution, no property shall be exempt; Provided, that this mode of collection shall not prevent collection of such in any other manner than herein provided.

Other means for collecting.

SEC. 29. Be it further enacted, That said corporate authorities may require all male inhabitants of said city, who have resided therein ten days, and who are between the ages of eighteen and fifty years, to work upon the streets of said city for at least five days in each year under such officer as the board may appoint; Provided, that any person so required to work may relieve himself there from by paying into the city treasury a sum of not more than five dollars; And provided further, that the inhabitants of said city shall be exempt from road duty outside the limits of said city.

Street tax.

SEC. 30. Be it further enacted, That it shall be unlawful for any officer of said city to make or enter into with the city authorities any contract for work or services or for material and supplies, and any such contract shall be void; nor shall any officer or person charged with the collection of taxes, licenses or dues for said city, unless it be to dispose of warrants that may have issued directly to such person due, or to in any manner offer any claim, warrant or liability against said city, and any per-

Acts unlawful.

son violating this section shall be guilty of a misdemeanor, and on conviction, shall be fined not less than fifty nor more than one hundred dollars.

SEC. 31. Be it further enacted, That the board of mayor and aldermen of said city, whenever they see proper to do so, may provide for a registration of the voters of said city; and such registration shall be made under such lawful rules and regulations as the board may prescribe. Registration.

SEC. 32. Be it further enacted, That the present charter of Attalla and all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed; Provided, that no prosecution, suit or claim whatever, pending or to be brought under existing laws, shall in any manner be affected, impaired or altered by the passage of this act; and all existing by-laws and ordinances of the town of Attalla, adopted in pursuance of law, shall be and remain in force until repealed or modified by the mayor and aldermen of Attalla, and all the powers granted by this act shall and must be liberally construed in favor of the power of the city to pass such laws. Conflicting laws.

Approved February 28, 1889.

No. 481.] AN ACT [s. 131

To protect outstanding crops in the county of Mobile.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any person who steals or enters upon the land of another with the intent to steal any outstanding crop of corn, potatoes, cabbages, in Mobile is county, is guilty of grand larceny, and on conviction, must be sentenced to hard labor for the county for not less than one nor more than two years. Entering on land with intent to steal.

SEC. 2. Be it further enacted. That it shall be lawful for any person, who may discover any other, person in the act of violating any of the provisions of this act to arrest such person, and to take such person before any magistrate of said county; and the person making such arrest for the purpose thereof is hereby vested with all the powers, privileges and immunities of a

duly qualified deputy sheriff of said county until such arrested person shall have been brought before a magistrate of said county.

Approved February 27, 1889.

No. 482.] AN ACT [s. 445

To amend the charter of the Jacksonville Mining and Manufacturing company, a corporation organized under the general incorporation laws.

Whereas, The Jacksonville Mining and Manufacturing Company, a corporation organized under the general incorporation laws for the purpose of building up the town of Jacksonville, in the county of Calhoun, find its present powers inadequate for the purpose for which it was created ; therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That in addition to the powers conferred by said general incorporation laws, the said company shall have the power to donate to any railroad to be built to Jacksonville, or to any manufacturing establishment erected, established and operated in Jacksonville, such land as may be deemed proper by said company ; Provided, that no such donation shall be made without the approval of a majority of the stockholders, at a meeting thereof, or the previous authority to the board of directors from said majority of stockholders to make the same.

Donation of lands.

SEC. 2. Be it further enacted. That said company may, at its annual meetings, reduce or increase the number of its directors.

Approved February 28, 1887.

No. 483.] AN ACT [s. 110

To confirm the incorporation and organization of "Tuskaloosa and Castle Hill Real Estate and Manufacturing Company," and to declare and define the powers of said Company.

SECTION 1. Be it enacted by the General Assembly of Alabama That the incorporation and organization of "The Tuskalooaa and Castle Hill Real Estate and Manufacturing Company," heretofore had under the general laws of the state, and by and under proceedings had in the probate court of the county of Tuskaloosa, be and the same is in all things confirmed.

Incorporation confirmed

SEC. 2. Be it further enacted. That said corporation shall have all the rights, powers, franchises, privileges, immunities by the general laws of the State conferred on private corporations organized for mining, manufacturing or other industrial business, and all general laws applicable to such private corporation shall be and are hereby made applicable to said corporation.

Rights, powers etc.

SEC. 3. Be it further enacted, That said corporation, Tuskaloosa and Castle Hill Real Estate and Manufacturing Company, has power to lay off its lands into lots and parcels, and to lease, sell, donate and convey the same ; to make donations of its lands or other property or effects to individuals or other corporations for the construction of railroads leading to and from the city of Tuskaloosa or its vicinity, or to and from the mines and quarries of said corporation, or to individuals or to other corporations ; to aid in erecting or operating of furnaces, mills, factories, workshops, foundries or other industrial enterprises in said city of Tuskaloosa, or its vicinity, or to become a stockholder in any and all private corporations organized for the carrying on in said city or vicinity of any industrial enterprise or business ; to construct and operate furnaces, mills, foundries, presses compresses, wharves, elevators, factories, workshops, machine shops in said city of Tuskaloosa and its vinity; to own and operate ferries, steam-boats, barges, and other water crafts crossing or navigating the Black Warrior river, and its tributaries ; to erect and operate in said city of Tuskaloosa and its vicinity, gas

works, electric lights, and power works, and water works for supplying said city of Tuskaloosa and vicinity with light and water ; to construct and operate in said city of Tuskaloosa and its vicinity, for a distance of ten miles from the present corporate boundaries of said city, railways for the carriage of persons, or the transportation of property, taking for such carriage or transportation reasonable fare or tolls, and using such motive power as may be deemed best, but without the consent of the corporate authorities of said city, must not use the streets thereof; to keep and maintain stock yards, and slaughter houses, and to keep and maintain wharves, depots and warehouses on its own lands in or near the said city of Tuskaloosa.

SEC. 4. Be it further enacted. That the said corporation, "The Tuskaloosa and Castle Hill Real Estate and Manufacturing Company," may by its by-laws provide for the election of any number of directors to manage its affairs.

Approved February 28, 1889.

No. 484.] AN ACT [s. 480

To incorporate The Orphans Home of the North Alabama Annual Conference of the Methodist Episcopal Church, South.

SECTION 1. Be it enacted by the General Assembly of Alabama, That John W. Newman, A. C. Miller, Sam-
Corporators. uel P. West, John C. LeGrand, .John A. Thompson, and their successors in office, to be chosen or appointed as hereinafter provided, be, and they are hereby constituted a, body corporate and politic under the name and style of "The Orphans Home of the North
Name. etc. Alabama Annual Conference of the Methodist Episcopal Church, South," and by that name shall have continued succession, and may sue and be sued, contract and be contracted with, plead and be impleaded, as
Rights, powers natural persons, and have and use a common seal, and
etc. may own and hold, by gift, devise, bequest and purchase, real and personal property, money and choses in action, and the same may sell, convey and re-invest;

may also lend their money on mortgages or other security, and do such other acts as bodies corporate may do and perform, needful and necessary for all the purposes and objects of an orphans home.

SEC. 2. Be It further enacted. That the persons named in the first section of this act, and their successors in office, shall hold their office at the pleasure of said conference; and they and their successors in office shall be subject to and governed by such rules or regulations and by-laws as may from time to time be prescribed or adopted for their government by said conference. That said conference shall have power to make a constitution, rules and regulations for the government of said home. The said home to be located by said conference within its bounds. The said conference shall have power to enact and establish, and to repeal and alter at pleasure, all such rules, regulations or by-laws as they may deem proper for the government of said corporation and the management of its affairs ; Provided, that such rules, regulations or by-laws be not inconsistent with the purposes of said corporation, or contrary to the constitution or laws of this State, or of the United States.

SEC. 3. Be it further enacted. That said conference shall have power to appoint such officers of said corporation as said conference may deem necessary and proper, and prescribe the duties of such officer or officers, and may also prescribe the term of office of the persons named in the first section of this act, and their successors, and may elect or appoint officers of said corporation annually or at such other periods as the said conference may ordain or determine, and may fill all vacancies which may occur or provide the mode of filling such vacancies, and the said conference shall have power, at pleasure, to increase or reduce the number of officers herein provided for.

Officers.

SEC. 4. Be it further enacted, That no misnomer or misdescription of said corporation in any will, deed, gift, grant, or other instrument of conveyance, or contract, shall in any wise defeat or vitiate the same; but at the same shall take effect, in like manner, as if said corporation were rightfully named, and all the property of said corporation shall be exempted from taxation ; that the charter granted by this act, shall not

Wills, deeds etc., to corporation.

fail or be forfeited by the failure or refusal of any person or persons to act as officers, or by failure to elect or appoint officers at the times or periods which may be prescribed for that purpose.

Management of children

SEC. 5. Be it further enacted. That the said orphan's home be invested with all the power of a father in reference to the children committed to its charge, and it may by its proper officer or officers, agent or agents, by indentures or otherwise place any child or children in such situation or situations as said officer or officers, agent or agents, may deem favorable for their learning trades, or becoming acquainted with other useful employments ; but the provisions of this act may be repealed or modified by this or any subsequent legislature.

SEC. 5. Be it further enacted, That the objects and purposes of said incorporation are hereby declared to be the establishment and maintenance of a beneficient and charitable institution by the Methodist Episcopal Church, South, for the benefit of orphans.

Approved February 28, 1889.

No. 485.] AN ACT [s. 404

To incorporate the Mobile and Eastern Shore Railway and Navigation Company.

Name.

SECTION 1. Be it enacted by the General Assembly of Alabama, That F. Graham Stone, L. Grey, Thomas and Joseph Hodgson, and their associates be, and they are hereby constituted a body politic and corporate by the name and style of the Mobile and Eastern Shore Railway and Navigation Company, and by that name or by such other name as the stockholders at their organization may adopt, are hereby authorized to sue and be sued, to make a common seal, and the same to break, alter and renew at pleasure; to have and to hold real and personal property, for the present and future business and purposes of such company, as well as such other property as said company may otherwise acquire by gift, devise, donation or purchase, for investment or development; to make rules, regulations

Rights, powers etc.

and by-laws for the management and direction of such corporation, not contrary to the constitution and laws of this State, or of the United States, and generally to have, enjoy and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary for the full carrying out of the objects and purposes of this act.

SEC. 2. Be it further enacted, That said corporation is hereby authorized and empowered to own and operate a steamboat or steamboats for the transportation of freight and passengers from the city of Mobile to any point upon the Eastern Shore of Mobile Bay, and to any point upon Dauphin Island, and to survey, locate, construct and operate a line or lines of railroad with one or more tracks of rails from any point upon the Eastern Shore of Mobile Bay, within the county of Baldwin, along or near said shore, and to any point upon the shore of said Baldwin county, for the transportation of freight and passengers.

May operate steambo'ts and railroads.

SEC. 3. Be it further enacted. That. for the purpose of constructing said railroad or railroads, the said company is hereby authorized to lay out the same not exceeding one hundred feet wide, and may acquire the right of way for such railroad or railroads by purchase from the owner, or by proceeding of ad quad dumnum, as provided by law in this State in such cases. Just compensation to the owner shall be first paid in all cases where the right of way is acquired by proceedings of ad quad domnum, as required by the constitution ; but said company may previously enter upon any land for the purpose of surveying, locating, and laying out its railroad and branches, and said company may acquire by gift, grant or purchase, real estate, and erect such structures thereon as may be necessary or convenient for its business, and may sell or lease any such real estate not required for its business.

Right of way.

SEC. 4. Be it further enacted. That whenever necessary to secure a suitable and convenient location, the said railroad or railroads may be built across or on and along any of the highways or public roads of the county of Baldwin ; Provided, that the said highways or public roads shall after the construction of said railroad or railroads thereon or thereover be restored to as good a condition as before ; and provided further,

that the consent of the county commissioners court of Baldwin county be first had and obtained to the use of such highway or public road before the same shall be used and occupied.

SEC. 5. Be it further enacted. That the capital stock of said company shall be fifty thousand dollars, divided into five hundred shares of one hundred dollars each, with the privilege of increasing said capital stock to one hundred thousand dollars, whenever in the judgment of the stockholders it may be necessary or desirable. Said capital stock shall be deemed personal property, and may be transferred in such manner and in such places as the by-laws of said company shall direct.

Capital stock.

SEC. 6. Be it further enacted. That the corporate powers of said company shall be vested in a board of directors, of not less than five nor more than seven, to be elected as hereinafter provided, and such other officers and agents as said directors shall appoint or authorize.

Directors.

SEC. 7. Be it further enacted. That subscriptions to the capital stock of this company shall be taken payable in money, or its equivalent, in labor or property.

SEC. 8. Be it further enacted. That when five thousand dollars shall have been subscribed to the capital stock of said company by bona fide subscribers, the board of corporators shall call tile subscribers together by notice, given in such manner as they may direct, for the purpose of organization, and the majority of the stock so subscribed being present, either in person or by proxy, they shall proceed to the organization of the company by the election from among the stockholders themselves, by a majority of the stock represented, not less than five nor more than seven directors, to manage the affairs and business of the company for the ensuing year, or until their successors are elected and duly qualified, said successors to be elected in a similar manner. The directors thus elected shall elect from their number a president, who shall also be president and executive officer of said company, and such person or persons as they may see fit for secretary and treasurer, to serve for such a period and under such conditions as the by-laws may direct.

Organizations.

SEC. 9. Be it further enacted, That upon the organ-

ization of said company the board of incorporators shall turn over to the board of directors all money or other property received by them on subscriptions, together with all the bonds, lists, notes, obligations, papers and records taken and made by them in the organization of the company; and henceforth all such books, papers, lists, notes, obligations, records, money and property, shall be the property of the company; and all obligations incurred shall be as binding on the company as if taken and made by themselves. Said board of directors shall also have power to require to be paid the sum subscribed by stockholders in such manner and at such times as it may deem proper, and on the refusal or neglect on the part of any stockholders to pay such installment, the shares of such delinquent may be sold at public auction, under such rules and upon such notice as the directors may previously prescribe, the surplus, if any, from the proceeds of sale, after the payment of balance due for such shares, shall be paid to such stockholders, but nothing herein contained shall prevent said company from collecting, by proper proceedings at law, the amount due on any subscription.

Assets, etc.

Subscriptions.

SEC. 10. Be it further enacted, That said company may borrow money for the purpose of carrying out the objects of this charter, and may make notes, bonds, or other evidences of debt, and by a vote of the majority of its stockholders, had at a meeting called for the purpose, in such manner as the board of directors ,may see proper, may secure the payment of notes, bonds or other evidences of debt, by a mortgage or deed of trust on its franchises, and any and all of its property, both real and personal.

May borrow money.

SEC. 11. Be it further enacted. That said company may own parks, resorts, places of amusement, or for exercise or recreation, hotels, restaurants and other grounds and buildings of like character, and may conduct or operate the same by its officers and servants, or lease out the same to other persons.

Places of amusement.

Approved February 27, 1889.

No. 486.] AN ACT [s. 208

To be entitled an act to amend section 79 of an act entitled "an act to incorporate the city of Tuscaloosa," approved March 12, 1873, as amended by an act entitled "an act to amend section 79 of an act entitled an act to incorporate the city of Tuscaloosa, approved March 12, 1873," approved February 23, 1883; and to amend section 84 of an act entitled "an act to amend an act to incorporate the city of Tuscaloosa," approved March 12, 1873, approved February 7, 1885; and to amend an act entitled "an act to incorporate the city of Tuscaloosa," approved March 12, 1873, by the additions of sections 88, 89, 90, 91 and 92, in reference to the erection of a city building or buildings within said city; and by the addition of sections 93, 94, 85 and 90, in reference to the completion of existing, and the erection of additional school buildings within said city.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 79 of an act entitled "an act to incorporate the city of Tuscaloosa," approved March 12, 1873, as amended by an act entitled "an act to amend section 79 of an act entitled an act to incorporate the city of Tuscaloosa, approved March 12, 1873," approved February 23, 1883, be amended so as to read as follows : Section 79. Be it further enacted, That said mayor and aldermen shall have power and authority to issue bonds of said city of Tuscaloosa, not to exceed fifty thousand dollars, of which not more than twenty thousand shall be used for erecting and constructing a system of sewerage for said city, and not more than thirty thousand for the purpose of preparing and preventing the further encroachments of the galleys and water drains of said city upon the streets and real property of the inhabitants of said city, and for grading and repairing and opening the streets and public parks of said city, and to preserve the property of the city and the inhabitants thereof; such bonds to bear interest at a rate not exceeding eight per cent., with coupons, and to be receivable for city taxes from the holder, or any transferee thereof, but none of said bonds shall be sold for less than the

Bonds for sewerage, etc.

face value thereof, and shall not be hypothecated for any purpose whatever, and not more than two and one-half per cent. shall be paid to any broker or agent for selling said bonds.

SEC. 2. Be it further enacted, That section 84 of an act entitled an act to amend an act to incorporate the city of Tuscaloosa, approved March 12th, 1873, approved February 7th, 1885, be amended so as to read as follows; Section 84. Be it further enacted, That the mayor and aldermen of the city of Tuscaloosa shall have power and authority to license, restrain or prohibit the selling or retailing of spiritous, vinous or malt liquors within the corporate limits of said city, and to provide for annulling and revoking such license on good cause being shown ; to prevent the selling and giving away of spirituous, vinous or malt liquors, whenever they shall deem it expedient, and for such time as they may deem. it necessary ; and the said board shall have further power arid authority to regulate and license such business and vocations as are now licensed by the State, and others hereinbelow named, and to revoke and cancel such licenses, and to punish all persons who do business in said city without having taken out such licenses and to impose and collect such licenses upon the persons and businesses hereinafter named; not to exceed the amounts fixed by the State upon like persons and business, to-wit: Lawyers, doctors, dentists, dealers in manufactured tobacco, auctioneers—resident or non-resident—barber shops, banks, bank-agents, dealers in exchange, commission merchants, and brokers, and for the privilege of using the sewerage mains or pipes of said city, druggists, apothecaries, express companies, hotels, restaurants, eating-houses, insurance agents—life, accident, tire or marine—livery or sale stables, itenerant traders—by sample or otherwise—dealers in fish or oysters, transient physicians, or venders of patent medicines, undertakers, keeping stallions or jacks, commercial telegraph companies, carts, drays, wagons, hacks, coaches or omnibusaus, ware-houses, public weighers, dealers in comercial fertilizers, cotton buyers, dealers—other than general—in wagons, buggies, or carriages, watchmakers, and jewelers, bakers, tin-shops, dealers in coal and wood, dealers in lumber, dealers in brick, dancing masters, skating rinks, ice cream saloons, real estate agents, telephone exchanges, plumbers or gas fitters, lightning rod agents,

Licenses.

drummers or commercial agents, selling to consumers, dealers in tobacco and cigars—whether principal stock in trade or not—photograph or art galleries—whether in house or tent—news-dealers, fruit stands, green grocers, marble yards, architects, or superintendents of buildings, commissary or grub cars—whether run by railroads or individuals—confectioners, dealers in fire works, or pyrotechnics, dealers in pistol cartridges, veterinary surgeons, job printing offices—whether run by steam, gas, water, or hand power—newspaper offices, woodsawyers by machinery, railroad companies running cars into the city limits, sleeping car companies running cars through the the city, railroad or steamboat ticket broker or scalper, loan associations or companies, candy manufactories, dealers in machinery or agricultural implements—when principal stock in trade—corn or flour mills, agents for sale of cotton gins, wagons, buggy and carriage manufactory or repair shops, water companies, laundries, wholesale dealers in oils or their agents, contractors, hand carts, stencil cutters, cotton presses, or compresses, drummers, or runners for hotels, or boarding houses, saw or planing mills, sash and blind factories, or agents for the same, persons engaged in the business of making abstracts of titles, sausage factories, junk dealers, or dealers in hides—when principal stock in trade—drovers or dealers in horses and mules—other than liverymen—cabinet makers, wood-shops, building and loan associations, cotton buyers or brokers—not including merchants who pay merchandise tax—merchant tailors, grinders of hand organs, strolling bands of music, theatrical, operatic or other acting or performing troupe, civil engineers, surveyors, collectors of bills, or notes, intelligence offices, bottlers of beer or ale, manufacturers, or bottlers of soda, or mineral waters, dealers in ice, gas or other light companies, street railroad companies—whether operated by steam or horse power—bill-posters or distributors, gun or gun repair shops, dancing houses, or halls, dye-houses, theatres or public halls, cigar manufactories, circuses or menageries, side-shows accompanying circuses or menagery, concerts, legerdemain performances, sewing machine companies, pond-brokers, billiard or pool tables, bagatelle, or jenny lind tables, bowling alleys, or ten pin alleys, baby range or alley or range or alley of like kind or .description, shooting galleries, rifle-ranges, games of quoits or

other games of amusement of like kind or descriptions, ware-houses, for the storage of cotton or other goods or articles, flying jennies or other shows of like kind or description for amusement, for which money or any other thing of value is charged, dealers in cotton or other futures, dealers in playing cards, commercial reporting agencies ; Provided, that no license shall be charged or imposed or collected for any theatrical performance, supper, concert, dance, or any other amusement given for charitable purposes or objects.

SEC. 3. Be it further enacted. That the act entitled an act to incorporate the City of Tuscaloosa, approved March 13th, 1873, be amended by the addition of the following sections, to be numbered 88, 89, 90, 91 and 92 in reference to the erection of a city building or buildings within said city : Section 88. Be it further enacted, That the board of mayor and aldermen of the city of Tuscaloosa are hereby authorized to issue the bonds of the city of Tuscaloosa, not to exceed twenty-five thousand dollars in amount, which shall be used only for erecting, furnishing and fitting up, upon the property of the said city, at the south-west corner of Market and Cotton streets in the said city, a city building, including a market, a prison, offices for the mayor, the marshal and other officers of said city, a court-room for the use of the mayor's court, a public hall and such other rooms, apartments and conveniences as to the said board of mayor and aldermen may seem necessary, useful and expedient; said bonds to bear interest at a rate not exceeding six per cent per annum, with coupons attached, said coupons to be receivable for city taxes from the holder or any transferee thereof ; Provided, however, that said bonds shall not be sold for less than par value, and shall not be hypothecated for any purpose whatever ; And provided further, that not more of said bonds shall be issued than may be necessary for carrying out the purposes hereinbefore specified; And provided further, that not more than two and one one-half per cent for which the said bonds may be sold, shall be paid to any broker or agent for selling said bonds, as compensation or commission. Section 89. Be it further enacted, That the said board of mayor and aldermen are hereby authorized to do any and all; things authorized by this act, which may be necessary to carry out the powers herein granted, either

Bonds for city building.

Authority of board.

through themselves, or by any agent or agents duly authorized or appointed by them for that purpose at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, neglect or omission in the proceedings or records of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper. Section 90. Be it further enacted, That it shall be unlawful for the said board of mayor and aldermen, or any member thereof, or any officer of said city of Tuscaloosa, to apply the proceeds of the sale of any of the bonds issued by authority of this act to any other purpose than that hereinbefore specified. Section 91. Be it further enacted, That for the better security for the payment of said bonds at maturity,

Mortgage. the said corporate authorities may execute to trustees, or in such manner and form as may be deemed best for the interests of the city, a mortgage or mortgages upon the real estate upon which said building is to be erected, and upon the buildings so erected; and the said mortgage or mortgages may be signed and executed by the mayor in such manner as the board of mayor and aldermen may direct. Section 92. Be it further enacted, That tlie board of

May sell certain property. mayor and aldermen of said city of Tuscaloosa, be and they are hereby authorized to sell, exchange and convey the said city property now owned by them at the crossing of Cotton and Market streets, or any part thereof, and with the proceeds thereof, or with the proceeds of said bonds, to purchase other lots, or a lot in said city, on which to erect said city building, or said market house, city prison, or court room ; also offices, public hall and other apartments and rooms, such as they may deem expedient; and they are authorized and empowered to mortgage the same and the buildings thereon for the security of said bonds ; Provided, that no lot or land shall be purchased for said purpose in which any official of said city government has any interest or may have any at the time of such purchase.

SEC. 4. Be it further enacted. That the act entitled "An act to incorporate the city of Tuscaloosa," approved March 13, 1873, be amended by the addition of

the following sections, to be numbered 93, 94, 95, and 96, in reference to the completion of existing, and the erection of additional school buildings within said city : Section 93. Be it further enacted, That the board of mayor and aldermen of the city of Tuscaloosa, be, and they are hereby authorized to issue the bonds of the city of Tuscaloosa, not to exceed ten thousand dollars in amount, which shall be used only for the purpose of completing, furnishing and fitting up the building now devoted to the uses of the white public schools of the city, and owned by said city ; and for the further purpose of purchasing the necessary lands or lots in said city, and erecting thereon, furnishing and fitting up school buildings for the use of the colored public schools of said city, said bonds to bear interest at a rate not exceeding eight per cent. per annum, with coupons attached, said coupons to be receivable for city taxes from the holder or any transferee thereof; Provided, however, that the said bonds shall not be sold for less than par value, and shall not be hypothecated for any purpose whatever; Provided further, that not more of said bonds shall be issued than may be necessary for carrying out the purposes hereinbefore specified ; and provided, that not more than two and one half per cent shall be paid to any broker or agent, as compensation or commissions for selling said bonds. Section 91. Be it further enacted, That the said board of mayor and aldermen are hereby authorized to do any and all things authorized by this act, which may be necessary to carry out the powers hereby granted, either through themselves, or by any agent or agents duly authorized or appointed by them for that purpose at any meeting of said board, whether at a regular or special meeting thereof, and no technical informality, irregularity, neglect or omission in the proceedings or records of said board shall in any wise vitiate or annul said bonds or coupons, which shall have all the protection and properties of commercial paper. Section 95. Be it further enacted. That it shall be unlawful for the said board of mayor and aldermen, or any member thereof, or any of the officers of the said city of Tuscaloosa, to apply the proceeds of the sales of any of the bonds issued by the authority of this act to any other purpose than that hereinbefore specified.

Bonds for school building

Authority of board.

The proceeds arising from the sale of the said school bonds issued by the authority of this act shall be under the control of the board of education of the city of Tuscaloosa, and be disbursed on or by the authority or order of said board of education alone. Section 96. Be it further enacted, That for the better security of the payment of said bonds at maturity, the said corporate authorities may execute to trustees or in such manner and form as may be deemed best for
Mortgage. the interest of the city a mortgage, or mortgages upon the real estate upon which said building for the use of the white school is now standing, and upon the real estate upon which the building for the use of the colored school is to be erected, and upon the buildings so standing and erected ; and said mortgage or mortgages may be signed and executed by the mayor in such manner as the board of mayor and aldermen may direct.

SEC. 5. Be it further enacted, That this act shall take effect immediately upon its approval, and that all laws, general or special, as far as they are in conflict with the provisions of this act, are hereby repealed.

Approved February 27, 1889.

No. 487.] AN ACT [s. 288

To incorporate the "Warrior, Attalla and Jasper Rail Road Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That E. H. Pearson, E. P. Sibley, J. F. B.
Name. Jackson, R. D. Johnston, L. 0. Harrison, D. M. Drennen, J. W. Moore, and such other persons as shall associate with them for that purpose, are hereby constituted a body corporate by the name of "Warrior, Attalla and Jasper Rail Road Company," and by that name to sue and be sued, plead and be impleaded, and to make and have a common seal, and the same break,
Powers. alter or renew at pleasure; and this company is hereby vested with all the powers, privileges and immunties which are or may be necessary to carry into effect the purposes of this act.

SEC. 2. Be it further enacted, That said company is hereby authorized and empowered to survey, locate, construct, complete, alter, buy, own, maintain, sell and transfer or operate a railroad with one or more lines of tracks of rails from and .along the coal and iron region of Alabama, that is to say : Commencing at or near Jasper, or at or near where the Georgia Pacific Rail Road crosses or connects with the Kansas City and Birmingham Rail Road, in Walker county, Alabama, to run in an eastern or northeastern direction in the most feasible route to Warrior, Jefferson county, Alabama; thence to Attalla, Alabama, and to connect or cross the line of the Alabama Great Southern Rail Road Company, at such point or points as may be hereafter deemed advisable, with branches to the same, with one or more tracks, and connections with any other railroad which are now or may hereafter be constructed in Alabama on such routes as may be found best, and to transport and carry persons and property, upon said railroad and branches, by power of steam or any other mechanical power, or any combination of them which said company may choose to apply; Provided, the track, road or roads shall not exceed fifty miles in length; and for the purpose of constructing such railroad and branches, the said company is hereby authorized to lay out its road and branches throughout their length, not exceeding one hundred feet wide, and for the purpose of depots, machine shops, ware houses, engine houses, water stations, and other buildings necessary for the business of the road and branches, cuttings, embankments, and for the purpose of turnouts and side tracks, and for obtaining earth, stone, or gravel, may take as much land as may be required for the construction and security of said road and branches, with permission, and right to make all contracts with any other railroad, or other corporation in relation to the business of the company, and also to make joint stock with any other line or lines of railroad or other corporations and form continuous through lines ; Provided, however, that any land or property so taken, shall be paid for by said company, as herein provided for the condemnation of right of way.

Route

Right of way.

SEC. 3. Be it further enacted. That the capital stock of said company, shall be fixed at one million of dol-

lars, with the right to increase the same whenever the board of directors may see fit; the same to be divided into shares of one hundred dollars each, of the par value of one hundred dollars, which shares shall be transferable, as may be provided by the by-laws of the company. That said company shall have the right to begin the construction of said railroad so soon as fifty thousand dollars of said stock shall have been subscribed.

Capital stock.

SEC. 4. Be it further enacted, That said company shall consist of not less than seven directors, who shall be selected by the stockholders of the company at its first meeting, or as soon as fully organized; the said board of directors shall have the power to require the payments of sums subscribed by stockholders to the capital stock, in such manner, and in such time, as they may deem best, and upon the neglect or refusal of any stockholder to pay such as may be required by the board of directors, the shares of such delinquents may be sold by the company after thirty days notice, on such terms as the board may decide; the surplus, if any, from said sale, shall be paid to the share holders,

Directors.

SEC. 5. Be it further enacted, That the persons named in the first section of this act, or a majority of them, shall, at any time deemed by them suitable and proper, cause books of subscription to be opened at such time and place as they may deem best, and receive subscriptions to the capital stock of said company. That a majority of the board of directors shall constitute a quorum, and shall be authorized to transact any business connected with the company or to carry out any purpose of this act. That all corporate powers of the company be exercised by the board of directors of the company, that shall annually elect one of the number as president, and shall select a secretary and such other officers as the by-laws of the company may require.

Subscription.

Officers.

SEC. 6. Be it further enacted, That the persons named in the first section of this act or a majority of them, shall, as soon as fifty thousand dollars of the stock shall have been subscribed, shall call the first meeting of the stockholders of said company ; the said meeting when convened shall elect the board of direc-

Organization.

tors as above provided, who shall serve for one year or till their successors shall be elected and qualified; and in all meetings of stockholders a majority of the stock shall constitute a quorum and authorized to transact any and all business ; each share entitles the holder to vote, which may be cast in person or by proxy. The annual meeting of stockholders shall be held at such time and place as the by-laws of the company shall require ; Provided, that a failure to elect a board of directors shall not affect the said company, but said election may be held at any subsequent time. Vacancies in the board of directors may be filled by the board at regular annual meetings. That the board of directors shall have the right and power to prescribe such rules and by-laws as they may see fit for the, government of said company touching the disposition and management of the stock, property and effects of said company not contrary to the terms of this charter. The said company is also authorized to purchase, secure and hold, or to sell and transfer all such real estate as may be necessary and convenient for the good of said company, and in carrying out the object and purposes of this charter, and may by its agents, servants and officers enter upon all lauds and tenements through which they may think fit to make and construct its road and branches, or upon which they may deem necessary for depots, warehouses, machine shops, engine houses, water stations, platforms and other requisite buildings and improvements for the business of the road and branches, and upon lands that may be required for cuttings and embankments for turnouts and stations, stone, gravel, earth and timber, and to survey, lay out and construct the same, and to agree and contract for said lauds or property to be used as aforesaid with the owner or owners thereof. In case such land or property belongs to any estate or deceased person, then with the administrator or executor, if there be such, and with the guardian of any insane person or minor. That for all such property and rights of way needed or required by the said railroad, the said company shall have all the powers of condemnation as are now or may hereafter be provided by the laws of Alabama, and the same may be condemned as now or hereafter required by the laws of Alabama.

Directors; rights, powers, etc., of.

SEC. 7. Be it further enacted. That the directory of said company shall have power to establish such rates of toll or fares or freights for the conveyance of persons and freights by said company upon its road and branches as may be deemed proper, and to levy and collect the same for the use of said company. All matters and things relating to the use of said railroad and its branches, and the conveyance of passengers and property shall be in conformity to such rules and regulations as said board shall from time to time adopt.

SEC. 8. Be it further enacted. That whenever the routes of said railroad and branches shall intersect, cross or connect with any other railroad, such intersection and crossing shall be made upon fair and equitable terms. That in the event any of the lands belonging to the State of Alabama shall be crossed by the line of said railroad or required for its right of way, the right of way through any of said lands is hereby granted for the use of said railroad and its branches one hundred feet wide free of charge, and such additional lands as may be necessary for depots, side tracks and embankments, and all necessary buildings.

Right of way.

SEC. 9. Be it further enacted. That for the purpose of raising funds from time to time for the construction of said railroad and branches and the purchase of iron and other material to be used therein by the company, the said company is hereby authorized to issue and negotiate bonds of the company to an amount not to exceed the capital stock of said company, and to mortgage or convey any or all of its property to secure the payment, or shall have power to borrow money and mortgage its property upon such terms and conditions as may be agreed upon by the board of directors of said company.

May borrow money.

SEC. 10. Be it further enacted. That the said company shall have the right to, and is hereby authorized to purchase, own, sell or dispose of, and mine coal and iron lauds in this State, and to use the product either or its own use, or to sell the same to others.

May buy and sell land.

Approved February 28, 1889.

No. 488.] AN ACT [s. 150

To amend section one of an act entitled an act to incurporate the Mechanic's Hook and Ladder Company of Montgomery, approved January 26, 1858.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to incorporate the Mechanic's Hook and Ladder Company of Montgomery, approved January 26, 1858, be amended so as to read as follows: That the members, their associates and successors, of the Mechanic's Hook and Ladder Company of the city of Montgomery be, and the same are hereby declared and constituted a body corporate by the name and style of the Mechanic's Hook and Ladder Company Number One, of the City of Montgomery, and by that name and style may sue and be sued, plead and be impleaded, answer and be answered in any court of law and equity, and may have and use a common seal and the same alter and amend at pleasure, and may have and hold real and personal property, to the amount of ten thousand dollars, and may sell and transfer the same at pleasure, and whenever the said company shall have more money in its treasury than may be needed for the purpose of properly conducting its business, the same may be loaned out in such manner and upon such terms as the said company may direct, and in its discretion take such security therefor as it may deem proper; and all loans of money heretofore made are hereby ratified and confirmed, and said company shall not consist of more than one hundred members.

Hook and ladder company.

Approved February 28, 1889.

No. 489.] AN ACT [s. 304

To amend section one of an act, approved on the 12th day of February, 1887, and entitled an act to prevent stock from running at large in certain parts of Marengo county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act approved on the

12th day of February, 1887, and entitled an act to prevent stock from running at large in certain parts of Marengo county, be amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That it shall not be lawful for stock of any description whatever to run at large in all that part of Marengo county that is now or may hereafter be included within the limits of the Canebrake agricultural district or of any stock district, which is now established or may hereafter be established by the general assembly of Alabama or the commissioners court of Marengo county.

Stock law.

Approved February 28, 1889.

No. 490.] AN ACT [s. 326

To require the probate judge of Perry county to prepare and keep in his office a general direct and reversed index of the minutes and inventories, and other records relating to estate of deceased persons and guardianship proceedings, and to provide just compensation therefor.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the probate judge of the county of Perry be and he is hereby required to prepare and keep general ; direct and reversed index of the minutes, inventories and other records relating to estates of deceased persons and guardianships.

Duty of judge of probate.

SEC. 2. Be it further enacted. That upon the making of such indexes the probate judge shall be entitled to just compensation for his work, to be allowed by the court of county commissioners of the county out of any money in the county treasury ; Provided, as to such minutes and inventories and other records of proceedings after the making of such index, the probate judge shall keep up such index without other compensation therefor than the fees allowed by law for recording said minutes, inventories and other records,

Approved February 28, 1889.

No. 491.] AN ACT [s. 303

For the relief of James B. Kornegay, of Marengo county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of ninety-three and 65-100 dollars be, and the same is hereby refunded to James B. Kornegay, of Marengo county. Appropriation.

SEC. 2. Be it further enacted, That the auditor shall draw his warrant on the treasurer for said sum of ninety-three and 65-100 dollars in favor of said James B. Kornegay.

Approved February 28, 1889.

No. 492.] AN ACT [s. 272

For the relief of W. R. H. Loden, late sheriff of Marion county.

Whereas, Prior to the 30th of March, 1887, the commissioners court of Marion county, Alabama, made an order allowing W. R. H. Loden four hundred and thirty dollars, payable out of the tine and forfeiture fund of said county, for his services as sheriff, in criminal cases, where the State failed, as required by law ; and

Whereas, Before said claims were filed and numbered by the county treasurer of said county, the court house of said county, and all the county records, including the minutes of the commissioners court, were burned; therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That the probate judge of Marion county be, and he is hereby authorized and required to draw his warrant on the county treasurer of said county in favor of, W. R. H. Loden for the sum of four hundred and thirty dollars, payable out of the fine and forfeiture fund of said county. And when said warrant is drawn it shall be the duty of the county treasurer of said county to register the same in the book of registration of claims in his office, as other claims against the fine and forfeiture fund are required to be registered. And said claim shall be receivable in payment of fines and forfeitures in said County warrant in favor of W.R.H. Loden.

county, in all respects as other claims against such fund are receivable in payment of fines and forfeitures. The probate judge may draw several warrants, in such sums as said Loden may desire, for said four hundred and thirty dollars, which in the aggregate shall not exceed said sum.

Approved February 27, 1889.

No. 493.] AN ACT [s. 73

To provide for the registration of all claims against the fine and forfeiture fund of Colbert county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That upon the approval of this act, it shall become the duty of the treasurer of Colbert county to give notice by publication in any newspaper published in said county for six weeks, that after the expiration of sixty days from the first insertion of said notice, within which time all persons holding registered claims against the fine and forfeiture fund of said county, are required to present the same to said treasurer, taking his receipt for same.

Fine and forfeiture fund.

SEC. 2. Be it further enacted, That after the expiration of said sixty days said treasurer shall proceed to register all claims presented, making a new registration thereof, giving preference in such new registration to claims actually presented according to the priority of their old numbers of registration, and said treasurer shall thereafter pay said claims in the order of their new registration ; Provided, that nothing contained in this act shall be construed as a final bar to claims heretofore registered which may not be presented within the sixty days herein provided for, but such claims, if presented after said sixty days, shall take their place according to their number as newly registered, and not as they stood on the old registration, when not presented within the time named.

Claims payable in order of registration.

SEC. 3. Be it further enacted. That the treasurer of said county is authorized to use any funds in his hands to the credit of the fine and forfeiture fund to defray the necessary expenses of publication, and to retain out of any money in his hands as aforesaid such sum as the

commissioners court of said county may allow for his services in this matter to carry into effect the provisions of this act.

SEC. 4. Be it further enacted. That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 27, 1889.

No. 494.] AN ACT [s. 183

To amend section four of an act entitled an act to incurporate the town of Hartselle, in the county of Morgan, approved February 1, 1879.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section four of an act entitled an act to incorporate the town of Hartselle, in the county of Morgan, approved February 1, 1879, be and the same is hereby amended so as to read as follows: That the said corporation shall have power to ordain or pass such ordinances, by-laws and regulations as may by them be deemed necessary for the good government of said town, which may extend to the preservation of health, to prevent and remove nuisances, to license, tax and restrain theatrical amusements, shows and museums of all kinds whatever within said corporation; to restrain and prohibit every species of disorder, and every breach of the peace; to appoint night watches and patrol when necessary; to clean and keep in repair the streets of said town, and prohibit trespasses on the same; to impose and collect taxes not exceeding one-half of one per cent. on all property, both real and persona], and to sell real estate for the payment of said taxes, in the same manner prescribed by the laws of Alabama for taxes payable to the State within said incorporation, for defraying the expenses of the same; to grant license to retailers of spirituous or vinous liquors; to grant license to and tax merchants and auctioneers, lawyers, physicians, dentists, daguerrean artists, keepers of hotels and stations; to restrain and prohibit all meetings of disorderly persons, and all profane swearing or obscene language, and in general to pass such by-laws not contrary to the constitution of the State and the laws of

Powers of corporation.

the same, or to the constitution and laws of the United States, as are necessary to carry into effect the intent and meaning of this act, and to execute, revoke or alter the same. The said corporate authorities shall have power to appoint a treasurer, assessor, collector and marshal, and such inferior officers as they may think necessary, and by ordinance require securities for the several officers so appointed, and annex such fees to said officers as they see proper, not to exceed twenty-five dollars per month. They are hereby empowered to impose such fines and penalties as they may see proper, the fine in no case to exceed fifty dollars, and the imprisonment ten hours.
Approved February 27, 1889.

No. 495.] AN ACT [s. 466

To require the clerk of the circuit court of Jefferson county, in this State, to index the several records and books in his office, which are required by law to be indexed prior to the year 1887, and to allow him compensation therefor out of the county treasury of said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That whereas, the several records and books in
Duty of circuit clerk. the office of the clerk of the circuit court of Jefferson county, in this State, which are required by law to be indexed, have not been properly indexed for many years prior to the year 1887; now, therefore, be it enacted, that the clerk of said court in said county be, and he is hereby required, to make out and prepare a correct index, both direct and reverse of all such books and records prior to the year 1887, in a well-bound and suitable book made for such purpose, said index to be completed on or before January 1, 1890, and the court of county commissioners of said county shall allow said clerk reasonable and suitable compensation therefor, to be paid out of the county treasury of said county.

SEC. 2. Be it further enacted. That this act take effect and be in force from and after its passage.

Approved February 27,1889.

No. 496.] AN ACT [s. 371

To incorporate the Sheffield and Seaboard Railroad Company, and to further the construction of said railroad.

SECTION 1. Be it enacted by the General Assembly of Alabama, That David Clopton, B. Steiner, Horace Ware, M. L. Ernest, A. H. Moses, O. O. Nelson, J. R. Adams, M. L. Moses, W. L. Chambers, C. D. Woodson, J. F. Burke, H. C. Moses, T. R. Roulhac, S. Steiner, J. V. Alien, L. B. Musgrove and J. H. Nathan, and their associates be, and they are hereby constituted a body, politic and corporate, by the name of Sheffield and Seaboard Railroad Company, and by that name, or by such other name as the stockholders, after their organization, may adopt, are hereby authorized to have perpetual succession, to sue and be sued, to make a common seal, and the same to break, alter and renew at pleasure ; to have and hold real and personal property for the present and future business and purposes of the company, as well as such other property as said company may otherwise acquire by gift, devise, donation or purchase, for investment or development, and to have and enjoy and secure their franchises within any other State that may grant, authorize and permit the same; to make rules, regulations and by laws for the management and direction of such corporation, not contrary to the laws of this State, and generally to have, enjoy and exercise all the rights, powers, privileges and immunities pertaining to corporate bodies, and necessary for the full carrying out of the objects and purposes of this act.

Corporators.

Name.

Rights, powers etc.

SEC. 2. Be it further enacted, That said company is authorized and empowered to survey, locate, construct, build, alter, maintain and operate a railroad, with single or double track, from the city of Sheffield in the county of Colbert to the northern boundary line of this State, and from said city of Sheffield to a place on the Gulf of Mexico, or a bay thereof, to be selected by said company, and by such route as said company may select, with branches from the same in any directions, and on such railroad and branches said company is authorized to take and carry, for hire, persons and

Routes.

property, by the power and force of steam, animal or other mechanical power and force, or by any combination of them; Provided, that said company shall not be required to build any greater portions of its said railroad and branches, as above authorized, than it may from time to time find to its interest so to do; Provided, further, that nothing in this act shall be taken or construed to exempt said corporation from regulation of rates and fares and control by the legislature of this State or by any instrumentalities that the legislature may hereafter deem best to effectually carry out such regulation and control.

SEC. 3. Be it further enacted, That the two lines of survey heretofore made by B. Mickle, as chief engineer in the counties of Colbert, Franklin and Marion, and commonly known as surveys of the Sheffield and Seaboard Railroad, although made before the incorporation of said company, are hereby legalized, and shall be recognized to the same extent as if made by said company, and it shall be authorized to build its main line, or any of its branches, according to said survey (or modification thereof), and to acquire by purchase, donation, subscriptions or condemnation, said rights of way, or any parts thereof, along the lines of said surveys in the manner hereinafter provided for the acquisition of other rights of way when ready to use the same ; and all deeds, options and donations of, and contracts or agreements to sell or donate lands or property, rights of way, or other rights, to the Sheffield and Seaboard Railroad Company, before its incorporation, are hereby legalized, and shall be recognized to the same extent as if made after such incorporation, and said company shall be bound by the stipulations and conditions thereof, to the same extent; Provided, that said company shall pay to the proper parties such sums as may properly be due, or to become due, for expenditures upon said surveys and in procuring such deeds, options, donations, contracts and agreements.

Rights of way.

SEC. 4. Be it further enacted. That for the purpose of developing the resources of the country through which its lines may be built, and thereby increase the transportation business of said company, it is hereby authorized to establish and operate, or cause, aid or

encourage the establishment and operations of mines, quarries, and other manufacturing and industrial enterprises.

SEC. 5. Be it further enacted, That sections numbered three (3) to twenty-two (22), inclusive of an act entitled an act to amend at act entitled an act to incorporate the Mobile and West Alabama Railroad Company and to further the construction of said railroad, approved December 10th, 1886, are hereby made a part of this act, to the same effect as if fully written out herein, but modified to the extent of substituting the word "Sheffield" for the word "Mobile" whenever the latter appears in sections numbered eleven and twenty (20) of said act, and by striking out the words "Mobile and West Alabama," where they appear in sections numbered five (5), six (6) and twenty-two (22) of said act, and by striking out the words "north of Mobile" where they appear in section numbered eight (8), of said act. Parts of this act.

SEC. 6. Be it further enacted. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 28, 1889.

No. 497.] AN ACT [s. 236

To amend sections 2 and 6 of an act entitled an act to amend an act to incorporate the District of Opelika and provide for the government thereof, approved February 19, 1883, approved February 16, 1885.

SECTION 1. Be it enacted off the General Assembly of Alabama, That sections 2 and 6 of an act entitled an act to amend an act to incorporate the District of Opelika and provide for the government thereof, approved February 19,1883, approved February 16, 1885, be amended so as to read as follows : Section 2. Be it further enacted. That the government of said District of Opelika shall be vested in a board of five commissiouers, under the name and style of the Opelika Police Board, who shall have and exercise the powers conferred upon them by this act, and no other, except Municipal election in Opelika.

as may be necessary to execute such powers. Said commissioners shall be elected by the qualified electors of said District, on the third Monday in April, 1889, and every two years thereafter, one of whom must be elected as Recorder, and so designated by the voter at such election. Should any vacancy occur in said board it shall be filled by the governor by appointment, and such appointee shall hold office until the next regular election for such officer. The election herein provided shall be conducted and held by F. M. Renfro, J. B. Green, S. S. Black, Jno. A. Kirkpatrick, T. H. Clower, managers, and two clerks, appointed by the Opelika Police Board, under the general election laws of the State, except as otherwise herein provided. The managers of said election, within 24 hours thereafter, shall count the votes cast, compare the registration list with the poll list and reject all ballots of voters not registered, and under oath make a true and correct return of the result of said election to the Opelika Police Board, who shall publish said result in a newspaper published in said District of Opelika. The clerk of said Police Board shall be the registrar of said district, and shall in the council chamber, forty days before the election, open books for registration, and keep the same open daily, except Sundays, for twenty days after the expiration of which time no registration of electors shall be made, for which service he shall receive reasonable compensation, to be determined by the board. All who are qualified voters under the general laws shall be allowed to register and vote at said elections, but no one shall be entitled to vote under this act, unless he has been a resident of the State twelve months, the county six months, and the district three months, and duly registered as herein required. The oath must be administered by the registrar, and the challenging of votes shall be the same as under the general election laws of the State, and any person guilty of willful false swearing, in respect to any oath prescribed for managing, conducting, registering or voting at said election, shall be guilty of perjury. All illegal voting at said elections shall be punished as under the general election laws of the State. All contests of said election shall be had before the circuit court of Lee county, and in the time and manner re-

quired by law for contests of election of probate judge, with right of appeal to the supreme court, and such contest shall be tried as a preferred case at the first term of the said circuit court to which it is brought, if the defendant has had ten days notice of said contest before court.

SEC. 2. Be it further enacted, That section 6 of said , act be amended so as to read as follows : Section 6, That the clerk of said Police Board shall be elected by the qualified voters of said district at same time, and in the same manner that the commissioners are nor elected, and his term of office shall be two years. He shall give bond in such sum as may be required and receive such salary as may be fixed by the commissioners, and may be removed by them for any of the causes for which public officers are impeached, under the general laws of the State. Should a. vacancy occur in said office, it shall be filled by the commissioners, and the person elected fills out the unexpired term of his predecessor. It shall be the duty of the clerk to keep a true and correct record of all the proceedings of the commissioners, to preserve the books of the corporation, and a correct file of all its papers and documents, all of which shall be open to public inspection ; and shall also publish in a newspaper within said District of Opelika, a semi-annual report of all the funds received and paid out by tlie Opelika Police Board, and perform such other duties as may be required by him.

Clerk ; election and duties of.

SEC. 3. Be it further enacted.. That the present Police Board shall continue in office until their successors are elected and qualified.

SEC. 4. Be it further enacted, That all laws or parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 28, 1889.

No. 498.] AN ACT [s. 461

To incorporate the city of Fort Payne, in the county of DeKalb, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the city of Fort Payne, in DeKalb county, be and the same is hereby incorporated, and
Charter. the corporate limits of said city shall embrace an area of land bounded as follows: Beginning at the north-east corner of section 8, township 7, range 9 east; thence in a straight line until it strikes the center of section 6, township 7, range 9 east; thence in a straight line to a point six hundred and sixty feet south of
Limits. center of section 7, township 7, range 9, east; thence following quarter section line of sections 7 and 18 until it strikes the center of section 18; thence east one-quarter of a mile; thence in a straight line to the place of beginning.

SEC 2. Be it further enacted, That an election shall be held in the city of Fort Payne on the first Monday of July next, and on the same day annually thereafter, for the purpose of electing a mayor and five aldermen,
Elections. inhabitants of said city, who shall serve for the term of one year and until their successors in office are elected and qualified, which first election shall be held by the sheriff, probate judge and clerk of the circuit court in said county of DeKalb, and all subsequent elections shall be held by the mayor and three aldermen, and in the absence of the mayor by the board of aldermen. All persons living in said city who are qualified to vote for members of the general assembly are entitled to vote in said elections.

SEC. 3. Be it further enacted, That the mayor and aldermen, together with the city marshal, treasurer and clerk, each of which officers the mayor and aldermen shall elect, shall severally, before they enter on the discharge of their duties, take the oath as prescribed by the constitution of the State, as well as the following : "I, A. B., do solemnly swear that I will perform all the
Oath of office duties required of me as a mayor, aldermen, treasurer, clerk or marshal, as the case may be, to the best of my ability and judgment, so help me God." A certificate of this oath shall be filed with the records of the

board. It shall be the duty of the mayor to preside at all the meetings of the aldermen and preserve order and decorum, and in his absence any alderman may be called to the chair; and the mayor and aldermen are, hereby declared a body politic and corporate by the name and style of the mayor and aldermen of Fort Payne, by which name they and their successor in office shall be capable in law of sueing and being sued, pleading and being impleaded in all manner of suits, either in law or equity, and shall have power to keep a common seal and the same to alter and amend at pleasure, and, in general, to do and perform all acts which are incident to bodies corporate, and to purchase, hold and dispose of, for the benefit of said city, real, personal and mixed property.

Mayors and aldermen; duties and powers of.

SEC. 4. Be it further enacted, That the mayor and aldermen, or a majority of them, are hereby invested with full power to keep open and in good repair the streets of said city ; to prevent or remove nuisances; to establish a night and day police, and a town jail or guardhouse; to license, tax and restrain at pleasure theatrical amusements, shows and menageries of all kinds; to enact and publish any regulations, by-laws and ordinances necessary and proper for the good and orderly government of said city, not inconsistent with the constitution and laws of the State, and to enforce the observance of said regulations, by-laws and ordinances by a fine of not exceeding fifty dollars for each violation thereof, and imprisonment of not exceeding ten days in town or county jail.

Licenses.

SEC. 5. Be it further enacted. That the mayor and aldermen shall have the power to assess, levy and collect a tax on all property within the corporate limits of said city which is subject to State taxation, not exceeding one-half of one per cent. of the value of such property as assessed for State taxation during that year. Said taxes are to be assessed for the purpose of raising money for properly governing and managing the affairs of the corporation and enforcing its laws and ordinances and the powers granted by the provisions of this charter. They shall, as soon as convenient after their election, elect by joint ballot a clerk, treasurer and marshal for said city, and they may remove any of said officers for cause and elect others to fill

Taxes.

vacancies, and fix the salaries and fees for all said officers. The clerk shall issue all executions for fines and taxes which may be necessary, signing the same and delivering the same to the marshal, who shall collect and pay the same over to the treasurer.

SEC. 6. Be it further enacted, That the citizens of said corporation shall be exempt from working on public roads, but those subject to road duty shall pay a street tax of one dollar and fifty cents per annum.

Street tax.

SEC. 7. Be it further enacted, That the mayor and aldermen shall have power to open new streets, within the corporate limits of said city, or change, alter or close such streets and roads as now or hereafter may be opened within the limits of said city; Provided, that when new streets be opened on private property, the owner shall receive just compensation for the property so occupied, to be assessed by a jury of five disinterested freeholders, selected for that purpose by the mayor.

Streets.

SEC. 8. Be it further enacted. That the mayor of said city is a conservator of the peace within the corporate limits, and it is his right and duty to suppress all affrays, riots, unlawful assemblies and insurrections, and lewd, indecent, profane, boisterous, riotous or disorderly conduct in any public place therein ; to do which he may summon to his aid as many male inhabitants residing in the corporation as he thinks proper. He has also full power to punish for contempt in the same manner and under the same rules and regulation prescribed by the Code of Alabama in reference to punishment for contempt by justice of the peace; he has full power to try all offenses against the by-laws and ordinances of the said corporation, without regard to the amount of the fine, punishment or forfeiture, and to punish the offender both by fine and imprisonment in the manner prescribed by the by-laws and ordinances. The marshal shall have full authority to execute all the lawful ordinances, resolutions, by-laws and ordinances of said corporate authorities within their jurisdiction, and must without warrant arrest all offenders breaking the peace or violating any ordinances of the city in his presence, and bring them before the mayor, and for any other breach of the peace or violation of the ordinances, he shall

Duties of mayor.

arrest the offender upon due legal process, and in order to the execution of his power and duties, he may summons to his aid as many of the male inhabitants residing in the corporation as may be necessary.

Approved February 28, 1889.

No. 499.] AN ACT [H. B. 937

To relieve Francis L. Everett and Eliza B. Everett of the disabilities of non-age.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the disabilities of non age of Francis R L. Everett and Eliza B. Everett of Pickens county, be and the same are hereby removed so far as to enable them to convey title of a certain tract of land heretofore sold by their mother to Green Ferguson, to the widow and children of said Ferguson, and to receive and receipt for their share of the proceeds of such sale.

Relief from non-age.

Approved February 28, 1889.

No. 500.] AN ACT [H. B. 725

To amend section six of an act entitled an act to incorporate the St. Clair Coal Company, approved February 17, 1885.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section six of an act approved February 17, 1885, entitled an act to incorporate the St. Clair Coal Company, be and the same is hereby amended so as to read as follows : Section 6. Be it further enacted, That the general office of said company shall be at such place in Alabama as may be designated in the by-laws of said company in accordance with the demands of said business, and all meetings of directors and stock holders of said company shall be held where such principal or general office is situated at the time of such meeting or election ; Provided, such meetings

Office of coal company.

may be held at the office of the company in the city of Atlanta in the State of Georgia, on the written consent of the stockholders of said company residing in the State of Alabama, only acknowledged as in case of executions of deeds and filed and recorded in the office of the probate judge of said county ; And provided further, that said company shall at all times have a principal office or place of business in the county of St. Clair with an authorized agent, upon whom process may be served under the laws of this State, and the name of such agent shall from time to time be furnished such judge of probate by said company and recorded in his office.

SEC. 2. Be it further enacted. That said section six, as it now stands in said act, be and the same is hereby repealed.

Approved February 28, 1889.

No. 501.] AN ACT [H. B. 527

To amend the charter of the Shelby Iron Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 3 of an act entitled an act to amend the charter of the Shelby County Iron Manufacturing Company, approved November 20, 1862, approved February 10, 1875, be amended so that said section 3 shall read as follows ; Section 3. Be it further enacted, That said company shall have the right to elect out of their stockholders, at such time or times as they may deem proper, and appoint, at their principal place of business in the county of Shelby, a board of directors to consist of seven, but this number may be increased or diminished at the pleasure of the company: Said board when elected shall continue in office for one year or until the election of their successors. They shall elect one of their number president of the board of directors and company, whose term of office shall be commensurate with that of the board electing him, and shall have power to fill all vacancies that may occur in their body or in the office of president. Said board (subject always to the control of the stockholders in convention,) shall have power to man-

Amendment of charter.

age and control the property and business and affairs of the company, and to elect or appoint all officers and agents of the company, and to prescribe their duties and qualifications. Tlie said company acting in convention or by its board of directors, shall have power to make and establish, and repeal, and alter at pleasure, all needful and proper by-laws, rules and regulations not inconsistent with the constitution and laws of the United States ; the said company is also hereby authorized and invested with the privileges under its franchises to associate with itself, on such lawful terms and conditions as may be determined and agreed on with such person or persons as the said company or its board of directors may deem proper, for the formation of a company or association distinct from its present manufacturing establishment on its lands, at or in the vicinity of its present works, for the manufacturing and vending of railroad cars and car wheels, and all things pertaining thereto, and such other manufactures as said corporation is by its franchise authorized to engage in and carry on. The said company is also hereby authorized and empowered to lease and carry on any works other than those owned by it for the production or manufacture of iron in this State, as may be agreed on with the owner or owners of such works, and may lease any iron mine or deposits, and work the same and use the products thereof as it is authorized to work and use the products of iron and coal mines and deposits of those minerals owned by said company. The said third section, as now existing in said act, is hereby repealed, and the amendment thereof hereby enacted shall be substituted for and stand in the place of said repealed section.

Approved February 28, 1889.

No. 502.] AN ACT [H. B. 817

To authorize the commissioners court of Calhoun county, to levy a tax for working the public roads of said county, and to let out said roads by contract.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all male inhabitants of Calhoun county.

between the age of eighteen and forty-five years not ex-
Working pub- empt from-road duty under the general laws of the State,
lic roads. shall be required to work upon the public roads of said
county four days in each year, or instead thereof, shall
pay the sum of four dollars annually, or may pay a part
Four dollars in money and a part in labor, at one dollar per day, to be
exempts. collected as hereinafter provided.

SEC. 2. Be it further enacted, That said commissioners court shall levy a special tax not to exceed one tenth of one per cent on the taxable property of the county, which shall be a part of the one-half of one per cent now
Road tax. authorized by the constitution for county purposes, to be assessed and collected as other taxes, and when paid into the treasury it shall be kept seperate from other funds, and used only for the purposes indicated in this act.

SEC. 3. Be it further enacted, That the said court at its first term in each year, shall, after giving notice by publication for twenty days in some newspaper published in
Let to lowest the county, let to the lowest responsible bidder, the con-
bidder. tracts for repairing the public roads of said county, under such specifications as it may determine ; Provided, that no contract shall be let for less than the roads of an entire precinct.

SEC. 4. Be it further enacted. That said court shall appoint one road supervisor in each precinct, whose duty it shall be to report quarterly to the court, the condition of the roads within his precinct, and the number of days worked by those within his precinct subject to road duty,
Supervisors, and the amount of money collected from such parties
and their du-. quarterly. Said supervisor shall, within ten days after
ties. his appointment, furnish the contractor of his precinct with a list of all parties within his precinct subject to road duty. He shall, if any contractor fails to comply with his contract, report to the court, the probable amount necessary to put said roads in proper condition so as to meet the conditions of the contract, and such amount shall be withheld by the court until the terms of the contract shall have been complied with, as shown by the report of said precinct supervisor.

SEC. 5. Be it further enacted. That if any contractor shall appeal from the report of his precinct supervisor, he
Appeals. shall select one man and the court shall appoint one, who, with the precinct supervisor, shall review said road or roads under dispute and their report shall be prima fa-

cie evidence of the amount due said contractor in any suit that may be instituted in reference thereto.

SEC. 6. Be it further enacted, That such parties as may be selected and appointed under the above section shall receive such sum as the court may order. Compensation.

SEC. 7. Be it further enacted. That each contractor shall give bond in double the amount of his contract, for the faithful performance of his duties, and compliance with the terms of the contract. He shall furnish his own tools and implements, with which to work the roads, for all hands. He shall, at the end of each quarter, report to the supervisor of his precinct the number of days worked, and by whom, and the amount of money collected, and by whom paid. He shall, during each quarter, call upon each man In his precinct subject to road duty, for one day's work, but may take instead thereof one dollar in money, at the option of said party, and if any man fail or refuse to work one day or pay the amount of one dollar, said contractor shall return him to the justice of the peace, and he shall be proceeded against as road defaulter under the general laws of the State. Bond of contractor. Duties of contractor.

SEC. 8. Be it further enacted, That the supervisor of each precinct shall receive for his services such sum as may be agreed upon by the court.

SEC. 9. Be it further enacted, That in making settlements with contractors the county shall have credit for all money paid to contractors during the quarter, and for all work done by those subject to road duty, at the rate of one dollar per day. Settlements.

SEC. 10. Be it further enacted. That said court may at its discretion employ the county convicts of said coun – ty in working the public roads thereof, under such regulations as it may adopt. County convicts.

SEC. 11. Be it further enacted. That when any person is in prison under a sentence to pay a fine and costs in any criminal proceeding had before any of the courts of said county, said commissioners court may require such criminal or criminals to work upon the public roads of the county, under such regulations as it may direct, allowing them as credit on said fines and costs for their labor not less than thirty cents per day until said fines and costs are paid, or otherwise secured as provided by law.

SEC. 12. Be it further enacted. That so much of

this act as authorize and provide for the levy, assessment and collection of property tax for road purposes, shall go into effect and be operative from and after its approval. In all other respects, and as to all other matters, the operation of this act is postponed until January 1st, 1890.

When act takes effect.

Approved February 28, 1889.

No. 503.] AN ACT [s. 161.

To amend section one of an act to establish a new charter for the town of Cullman, approved February 7, 1879.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act to establish a new charter for the town of Cullman, approved February 7, 1879, be amended so as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That the town of Cullman, in the county of Cullman, Alabama, be incorporated with the following described boundaries, to-wit: Beginning at the northeast corner of section fifteen, township ten of range three, west; thence north one-fourth of a mile, thence west one mile; thence south to Tenth street in said town; thence easterly on Tenth street to the section line between sections fourteen and fifteen in township ten of range three, west; thence north on said section to the place of beginning.

Amendment of charter

Boundaries.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Approved February 28, 1889.

No. 504.] AN ACT [s. 215

To prohibit the sale, giving away, or otherwise disposing of alcoholic, vinous or malt liquors, or other intoxicating drinks, or fruits preserved in alcoholic liquors, within five miles of Freewill Baptist church, Laodicea church, Hopewell church, Union Grove school house, Fogsett Mines and Morris High school, and in beat

seventeen, all In Jefferson county ; or within the limits of Barbour county, except in incorporated towns having police regulations, provided the provisions of this act shall not apply to Hawkinsville beat and Eufaula beat, in Barbour county; or within five miles of any coal or iron ore mine, or coal or iron ore mining camp, within three miles on either side of the Sheffield and Birmingham Railroad, in Walker county; or within three miles of Union Missionary Baptist church, or Bristoe's Creek Missionary Baptist church, and Cove Camp Ground Methodist church, all in Etowah county; or within the corporate limits of the town of Moulton, in Lawrence county, or within five miles thereof; or within two miles of Pleasant Valley Baptist church, in Lauderdale county, not to take effect in last named district until January 1, 1890; or within three miles of County Line school house, in Tallapoosa county ; or within three miles of Oak Grove Colored Methodist church, or within three miles of Thaddeus post office, or within three miles of Agricola post office, all in Tallapoosa county ; or within three miles of Salem church, in Lamar county ; or within five miles of the Academy in the town of Hillsboro, in Lawrence county; Provided, that this act shall not be so construed as to prevent regular practicing physicians who have complied with the law regulating the practice of medicine, from keeping and administering said liquors when necessary . in their actual legitimate practice within the last named district; or within five miles of Union Chapel church, in Pickens county ; or within four miles of Mountain Mills and Pine Grove churches, in Colbert county; or within five miles of Goose Pond church, in Jackson county; or within four miles of Davis Creek church, in Tuscaloosa county ; or within two miles of Union Presbyterian church and Pleasant Ridge Baptist church, in Dale county ; or within the limits of township 17, range 6, in Perry county, except in the limits of the city of Uniontown; Provided, that nothing herein contained shall be so construed as to prevent regular licensed physicians from administering any of the above named liquors whenever they deem it necessary within the last named district; or within three miles of Oak Grove church, in Calhoun county ; or within three miles of Hebron church ; or within four

miles of Harmony Grove church and Academy, both in Limestone county ; nor within four miles of New Ebenezer Baptist church, in Coffee county ; or within three miles of Kelley's Creek post office, in St. Clair county; or within three miles of Corinth church, in Cullman county; or in beat two, in Chambers county; within six miles of Champion, in Blount county; within three miles of Davis Creek church in Favor's beat, in Tuscaloosa county ; or within beat two, Russell county; Provided, the provisions of this act shall not be in force until January 1, 1890, so far as the same applies to beat two, Russell county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful to give away or otherwise dispose of alcoholic, vinous or malt liquors or other intoxicating drinks, or fruits preserved in alcoholic liquors, within five miles of Freewill Baptist church, Laodicea church, Hopewell church, Union Grove school house, Fogsett mines and Morris high school, and in beat seventeen, all in Jefferson county; or within the limits of Barbour county, except in incorporated towns having police regulations ; Provided, that the provisions of this act shall not go into effect in the last named district until January 1, 1890 ; Provided, that the provisions of this act shall not apply to Hawkinsville beat and Eufaula beat, in Barbour county ; or within five miles of any coal or iron ore mine, or coal or iron ore mining camp within three miles on either side of the Sheffield and Birmingham -Railroad, in Walker county ; or within three miles of Union Missionary Baptist church, or Bristoe's Creek Missionary Baptist church, and Cove Camp Ground Methodist church, all in Etowah county ; or within the corporate limits of the town of Moulton, in Lawrence county, or within five miles thereof ; or within two miles of Pleasant Valley Baptist church, in Lauderdale county, not to take effect in the last named district until January 1, 1890 ; or within three miles of County Line school house, in Tallapoosa county ; or within three miles of Oak Grove Colored Methodist church, or within three miles of Thaddeus post office, or within three miles of Agricola post office, all in Tallapoosa county; or within three miles of Salem church, in Lamar county ; or within five miles of the Academy in the town of Hillsboro, in

Liquor prohibition.

Lawrence county; Provided, that this act shall not be so construed as to prevent regular practicing physicians who have complied with the law regulating the practice of medicine, from keeping and administering said liquors when necessary in their actual legitimate practice within the last named district; or within five miles of Union Chapel church, in Pickens county ; or within four miles of Mountain Mills and Pine Grove churches, in Colbert county ; or within five miles of Goose Pond church, in Jackson county; or within four miles of Davis Creek church, in Tallapoosa county; or within two miles of Union Presbyterian church and Pleasant Ridge Baptist church, in Dale county ; or within the limits of township 17, range 6, in Perry county, except in the limits of the city of Uniontown ; Provided, that nothing herein contained shall be so construed as to prevent regular licensed physicians from administering any of the .above named liquors whenever they deem it necessary, in the last named district; or within three miles of Oak Grove church, in Calhoun county ; or within three miles of Hebron church ; or within four miles of Harmony Grove church and academy, both in Limestone county; or within four miles of "New Ebenezer Baptist church, in Coffee county; or within three miles of Kelley's Creek post office, in St. Clair county ; or within three miles of Corinth church, in Cullman county, or in beat two, in Chambers county; within six miles of Champion, in Blount county; or within three miles of Davis' Creek church in Favor's beat, in Tuscaloosa county; or within beat two, Russell county; Provided, the provisions of this act shall not be in force until-January 1, 1890, so far as the same applies to beat two, in Russell county.

SEC. 2. Be it further enacted. That any person violating any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than one hundred dollars, or sentenced to hard labor to the county for not more than six months; Provided, that nothing herein contained shall be so construed as to prevent the use of wines or other liquors in private families, or the use of wines in churches for communion purposes. Penalty.

SEC. 3. Be it further enacted. That all licenses which have been issued for the sale of the above named liquors in any of the above prescribed limits or areas, are

hereby annulled and declared void ; and upon application of the holder of such licenses, all that portion of licenses which have been paid for the unexpired portion of the year shall be refunded out of the county treasury, and out of the State treasury, and that enough money to refund said sums, paid into the State treasury, is hereby appropriated out of any money in the State treasury.

Appropriation to refund licenses.

Approved February 28, 1889.

No. 505.] AN ACT [s. 415

To be entitled an act to incorporate the Alabama Investment and Security Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Chas. C. Whitson, Wm. M. Lackey, M. O. Arnold, and W. H. Skaggs, and such other persons as may be hereafter associated with them, and their successors, be and they are hereby constituted a body corporate under the name and style of the "Alabama Investment and Security Company," and by that name may sue and be sued in all the courts of law and equity, and shall have the right to make and use a common seal, and to alter and break the same at pleasure.

Name, Rights, powers etc.

SEC. 2. Be it further enacted, That the said corporation shall have authority to buy, sell, hold, dispose of, and deal in real estate, and to deal in loans, stocks, notes, bills, mortgages, choses in action, and all other personal property, on its own behalf, or as trustee for others.

SEC. 3. Be it further enacted. That said corporation may, and it is hereby authorized to undertake the negotiation of loans on real estate, to lend money for its own account or for others, and to take as security for the same, mortgages or trust deeds, or such other instruments as evidences of indebtedness as it may deem proper; and it may receive and hold money, stocks, bonds, bills, notes, bills of exchange, and other personalty on general and special deposit, on such terms and under such conditions as may be agreed upon between it and such persons or corporations as it may deal with, and it may borrow money, and mortgage or

pledge as security for the same any or all of its property.

SEC. 4. Be it further enacted. That the said corporation may, and it is hereby authorized and fully empowered to issue debenture bonds, bearing not exceeding 8 per centum per annum interest, the same to be secured by first mortgage on such of its property as it may elect to pledge as security for such bonds or evidences of indebtedness, said property so mortgaged as security to be held in trust by a trustee appointed for that purpose, and said debentures shall run for a term of years not exceeding ten years.

May issue bonds.

SEC. 5. Be it further enacted, That said corporation shall have power to buy, own, hold, rent, lease, sell and convey, and deal in, lands and real estate, situated and located in the State of Alabama, or elsewhere, on its own behalf, or as agent, broker, or trustee for others.

Buy and sell lands.

SEC. 6. Be if further enacted, That said corporation shall have power and authority to act as agent or broker, in the negotiation of loans, or for borrowing money on such security as it may elect to recommend, and to negotiate loans secured by first mortgages on real estate, agricultural and mineral lands, town lots, and city property, and it may contract with parties, individuals or corporations to undertake the negotiation of such loans, and may charge for its services as broker or agent for borrowers, such fees and compensation for its services as may be agreed upon ; and it may also secure the payment of such fees or compensation for its services for such work, by mortgage on real estate, pledges of collateral security, or such other security as it may be able to obtain and willing to accept.

Negotiate loans.

SEC. 7. Be it further enacted. That said corporation shall have authority to discount bills, notes, or other evidences of debt, to receive and pay out deposits, with or without interest, and to receive, on special deposit, money or bullion, or foreign coin, stocks, bonds, or other securities, to buy and sell foreign or domestic exchange, gold or silver bullion, or foreign coins, bonds, stocks, or bills of exchange or other negotiable papers. To lend money upon personal security, or upon pledges, bonds, stocks, or negotiable security, to take and receive security by mortgage or otherwise, on property, real or personal.

Discounts and deposits.

SEC. 8. Be It further enacted. That the capital stock of said corporation shall be $100,000, divided into shares of $25.00 each, which shares shall be deemed
Capital stock. personal property, and transferable in such manner as the company by its by-laws may direct. The said company may organize when so much as $50,000 of its stock has been subscribed, and may commence business when so much as twenty per cent. of the amount so subscribed has been paid to the treasurer or other duly authorized officer of said company.

SEC. 9. Be it further enacted, That within twelve months after the passage of this act of incorporation, the persons named in the first section of the act as in-
Subscription. corporators, shall open books of subscription of the capital stock of the said company in such places as they may see fit, and when as much as fifty thousand dollars shall have been subscribed they shall call such subscribers together at the city of Birmingham, Ala., by giving notice in a newspaper published in the city of Birmingham for two consecutive weeks. At such meetings so called, the stockholders shall elect a board of directors from among their number, said
Directors. board of directors to consist of not less than five nor more than fifteen, for the management of the property and business of the company. The board of directors of said company shall elect from their number a member to be president of the company, and shall also elect from their board' of directors a secretary and treasurer, and may appoint such other officers and employees as they may find necessary, and may fix such bonds and conditions to such officers as may be requisite to protect the said company.

SEC. 10. Be it further enacted. That so soon as the said company is fully organized, an installment of twenty per centum on each share of stock subscribed
Calling in sub- shall be due and payable, and shall be called in by giv-
scription. ing such notice as the directors may determine upon. The balance duo on such subscriptions shall be called in by the directors in installments, and each installment shall not exceed fifteen per cent. of the amount of the subscription, and may be less than fifteen per cent. of the amount of the subscription, if the directors so ordain or direct. Not less than fifteen days notice, which notice shall be written or printed, and signed by

some officer of the company and mailed to every sub scriber to the stock of the company, shall be given of the call of each installment, and such notice, so given, shall be mailed, postage prepaid, to every subscriber, according to his address and post office.

SEC. 11. Be if further enacted, That at every meeting of the stockholders, each stockholder shall be entitled to one vote for every share of stock owned and; Meeting of held by him, and any stockholder may be represented stockholders. by proxy duly made and executed, but not otherwise, which said proxy shall be filed with the secretary of the company. The directors of said company shall be elected at each annual meeting of the stockholders, and hey shall serve for one year, or until their successors are duly elected and qualified. And the said stockholders may adopt, make, and establish all such rules, regulations and by laws, not inconsistent with the constitution and laws of the State of Alabama or the United States, as may be necessary or convenient for the proper transaction and conduct of its business, and generally may do any act necessary to carry into full force and effect the powers herein granted.

SEC 12. Be it further enacted, That the capital stock of this corporation may be increased to a sum not exceeding five hundred thousand dollars, at any regular Increase of stock. or special meeting of the stockholders called for that purpose. Notice of such meeting shall be given by publication for thirty days in a newspaper published in the city of Birmingham, Alabama, and such call shall state the object of such meeting.

SEC. 13. Be it further enacted, That the said corporation shall have its main office in the city of Birmingham, Alabama, and it may establish a branch Officers. office or offices in any town or county in the State of Alabama, and it may establish correspondents in the city of New York, and may appoint agents, or correspondents, or establish branch offices in such other cities in the United States as may appear necessary for the transaction of its business or conducive to its best interests.

SEC. 14. Be it further enacted. That said corporation may make and enter into all such contracts, and Contracts. arrangements, and may do and perform all such matters and things as may be necessary and convenient,

directly or remotely, to carry out the several purposes of this corporation, as hereinbefore set forth and declared.

SEC 15. Be if further enacted. That the affairs of the said company shall be wound up, and the corporation dissolved, whenever at a meeting called for that purpose by publication for thirty days in a newspaper published in the city of Birmingham, Alabama, three-fourths of the stockholders in value shall decide that the interests of the corporation require it, but the said company shall retain the right to sue and be sued, until all of its affairs are settled and adjusted.

How to be dissolved.

Approved February 28, 1889.

No. 506.] AN ACT [s. 486

To incorporate the Anniston Loan and Trust Company, of Anniston, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Duncan P. Parker, Alfred L. Tyler, John Noble, Jacob Schenck, and John B. Knox, and their successors and assigns, be, and they are hereby incorporated under the name of the "Anniston Land and Trust Company," and by that name may sue and be sued, and have a common seal, the same to alter and change at pleasure.

Name.

SEC. 2. Be it further enacted. That said company shall have and possess the following powers, namely: To have perpetual succession, to contract and be contracted with; to loan money upon real estate or personal security, or on such security as it may approve; to buy, hold, acquire, enjoy, sell and convey, improve, lease, rent, mortgage, all such real estate as it may desire or become possessed of, in the management of its business, or for any purpose for which said company may desire to use or deal in the same; to issue notes, bills of exchange, mortgages or bonds, secured by mortgages, on its real and personal property, or other collaterals, it may have in the transaction of its business, possessing in such respects, the same powers as individuals now enjoy. The said company, as inciden-

Powers.

tal to its business, is authorized to discount paper, buy and sell exchange, negotiate loans, and receive and pay out deposits.

SEC. 3. Be it further enacted, That the capital stock of said company shall be $100,000.00 (one hundred thousand dollars), divided into one thousand shares of one hundred dollars each. That the board of incorporators of said company may open books of subscription to the capital stock thereof, and keep them open from time to time, until all of the capital stock of said company is taken by bona fide subscribers; when fifty per cent. of said stock has been subscribed, and at least twenty-five thousand dollars has been paid into the treasury of said company, the incorporators above named, or any three of them, may call the subscribers together for the purpose of organization, who shall thereupon elect a board of directors for said company, to serve for the next ensuing twelve months. The board of directors, when elected, shall elect a president, and a secretary and treasurer, and such other officers as they may deem necessary, in the transaction of the business of the company.

Capital stock.

Organization.

SEC. 4. Be it further enacted, That the management of the business of this company, shall be intrusted to the board of directors, which shall consist of not less than five, nor more than ten stockholders, the number to be determined by the stockholders, which number may be increased or reduced within the limits named, at any regular meeting of the stockholders or especial meeting called for the purpose. The board of directors and other officers of said company shall-hold their office for one year, or until their successors are elected and qualified. The board of directors shall require such officers as they deem proper, to give good and sufficient bonds for the faithful performance of their duties, in such amounts as the board may prescribe, to be approved by the board. The board of directors must make an annual report to the stockholders of their management of the affairs of the company and of its financial condition. The stockholders of said company, shall meet annually for the election of officers and the transaction of other business, or so often as may be necessary for the interests of the company; but the failure to hold regular meetings shall not im-

Directors.

pair the validity of the charter of said company or effect its right to exercise its corporate functions. The several officers of said company shall perform the duties usually incumbent on such officers, and such other duties as may be required by the board of directors. The liability of each stockholder of such company shall extend to the amount of stock subscribed by him.

SEC. 5. Be it further enacted, That the capital stock of said company may be increased to a sum not exceeding five hundred thousand dollars, by a two-thirds vote of the stockholders present at a meeting held for that purpose, after giving thirty days notice thereof, by advertisement in a newspaper published in the city of Anniston. The existing stockholders shall have preference in taking such increased stock.

Increase of stock.

SEC. 6. Be it further enacted, That the affairs of said company shall be wound up and said corporation dissolved whenever, at a meeting called as provided in the preceding section, two-thirds of the stockholders in value, shall decide the interest of the company require it, but said corporation shall retain the right to sue, and be sued, until all of its affairs are settled and finally adjusted. At all meetings of the company, each stockholder shall be entitled to one vote for each share of stock owned or held by him, and at such meeting stockholders may be represented by proxy, authorized in writing, but not otherwise.

Approved February 28, 1889.

No. 507.] AN ACT [s. 48

To confer certain rights and privileges in the State of Alabama, upon the Helena, Tupelo and Decatur Railroad Company, a corporation chartered by the laws of the State of Mississippi, and for other purses.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Helena, Tupelo and Decatur Railroad Company, a corporation chartered by the laws of the State of Mississippi, and composed of the follow-

ing; incorporators, to-wit: J. L. Finley, Harvey C. Medford, John dark, E. B. dark, J. E. Frazer, O. L. Stribling, W. D. Anderson, R. C. dark, F. Elliot, H. W. Hunter, J. A. Robins, C. W. Troy, J. A. Blair, E. N. Matthews and J. H. Miller, of Tupelo, Mississippi, J. D. Fontaine, of Pontotoc, Mississippi, Chas. Roberts, of Oxford, Mississippi, T. J. Hunter, of Sardis, Mississippi, P. O. Thweatt, of Helena, Arkansas, Newman Cayce, of Fulton, Mississippi, and Jno. E. Isbell, of Isbell, Alabama, is hereby authorized and empowered to construct and operate its line or lines of railroad into and through this State, from the western boundary thereof in Franklin county, in an easterly direction, through the county of Franklin; thence through the county of Lawrence, and into the county of Morgan, to the city of Decatur, on the Tennessee river; also to construct and build such other lines and branches as it may deem advisable and necessary. Incor porators.

SEC. 2. Be it further enacted. That all the rights, powers, privileges and authorities are hereby given to said Helena, Tupelo and Decatur Railroad Company to locate its road, acquire its right of way, and issue its stocks and bonds upon the whole line or lines of railroad in the State of Alabama, as if it had obtained its charter by authority of the general incorporation laws of the State of Alabama in the first instance; provided, always, that the powers, authorities, privileges and immunities contained in the said charter of incorporation in the State of Mississippi shall not be contrary to the constitution and laws of the State of Alabama. Powers, privyleges, etc.

SEC. 3. Be it further enacted. That the said Helena, Tupelo and Decatur Railroad Company shall establish an office in charge of an agent upon whom legal process can be served, and demand for claims of every character be made, in each county in this State, through which the said line or lines of railroad may pass. Agent.

SEC. 4. Be it further enacted. That the said Helena, Tupelo and Decatur Railroad Company shall, as to the business it does, and the line or lines of railroad it shall operate within the limits of the State of Alabama, be as completely amenable to the laws of this State as if it had been chartered in the first instance by the authority of the general railroad corporation law of the State of Alabama, and shall not have any higher or greater right Amenable to Alabama laws.

or power within the limits of the State of Alabama than if it had been incorporated as aforesaid; and as to said railroad in Alabama, it shall be subject to and treated as a domestic corporation in all respects.

SEC. 5. Be it further enacted, That John E. Isbell, of Isbell, Franklin county; W. P. Chetwood, of Monlton, in" Lawrence county, and E. II. Foster, of Decatnr, in Morgan county, and who are citizens of the State of Alabama, are hereby associated as original incorporators with those whose names appear in section one of this act."

Approved February 28, 1889.

No. 509.3 AN ACT [s. 188.

To amend section five of an act entitled an act to incurporate the Lumax Fire Engine Company, No. 4, of the city of Montgomery, approved January 30, 1871.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section five of an act entitled an act to incorporate the Lomax Fire Engine Company, No. 4, of the city of Montgomery, approved January 30, 1871, be amended so as to read as follows: Section 5. Be it further enacted, That said act of incorporation shall remain in force twenty years from the thirtieth day of January, 1891.

Approved February 28, 1889.

No. 510.] AN ACT [s. 495.

To amend section two (2) and four (4) of an act entitled an act to provide for a vote of the people on the subject of a permanent location of the county site of St. Clair county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That sections two and four of an act entitled an act to provide for a vote of the people on the subject of a permanent location of the county site of St. Clair county, be and the same is hereby amended so as to read

as follows: Section 2. Be it further enacted, That each voter shall have endorsed in writing or printed on his ticket, "Removal," or "No -Removal," and if it appears on the ascertainment of the result that a majority of the voters at said election have voted "No Removal," the effect of the said vote shall be the location of the said county site at Ashville; but if a majority of the votes are cast in favor of the removal, then it shall be the duty of the sheriff, in like manner as before, to provide for a second election, to be held on the third Monday of March, 1889, following, at which each voter shall have endorsed in writing, or printed, the name of the place at which he desires the county site located; and if, upon ascertaining the result, any place thus named shall have received a majority of all the votes cast in said second election, the effect shall be the location of the county site of said county at that place for which the said majority voted; but if neither of the places voted for shall have received a majority of the votes cast, then it shall be the duty of the said sheriff of said county to provide in all particulars as in the former election for a third election on the first Monday in May following, 1889, at which the vote shall be cast as at the second election, only that the vote shall be taken as between the places which received the highest and the next or second highest vote at the said second election, and the majority of the votes cast in the said third election in favor of one of the two places which had the highest and next highest vote at the said second election, shall determine the question of the permanent location of the county site at the place having received the said highest vote; Provided, That the present seat of justice, Ashville, may be voted for at said second election, and if it is one of the two highest places so voted for, it may be voted for at said third election also.

Election as to removal of county of St. Clair.

SEC. 2. Be it further enacted, That section four of said act be amended so as to read as follows: Section 4. Be it further enacted, That the inspectors and clerks of the election provided for in this act, shall receive the same compensation as the clerks and inspectors of general elections.

Approved February 28, 1889.

No 511.] ANACT [s.327.

To authorize and require the register in chancery of the chancery district composed of the county of Crenshaw to act as probate judge in said county in reference to an executorship, administration or guardianship, when the probate judge is incompetent under the provisions of section 647 of the Code.

SECTION 1. Be it enacted by the General Assembly of Alabama, That when the probate judge of Crenshaw county is incompetent under the provisions of section 647 of the Code, to discharge any duty in reference to an executorship, an administration or guardianship in the probate court of said county, the register in chancery of the district in which said county is situated, must discharge that duty as if he were judge of probate.

Register acts as judge of probate in certain cases.

Approved February 28, 1889.

[No. 512. ANACT [s. 317.

For the relief of Mrs. Sevilla C. Black, of Fayette county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Sevilla C. Black, widow and administratrix of the estate of John N. Black, deceased, of Fayette county, be and she is hereby authorized and empowered to sell, exchange, or otherwise dispose of the property of said estate without the usual proceedings of the courts in such cases, either at public or private sale, and to make perfect titles to said property.

May sell property.

Approved February , 1889.

No. 513.] AN ACT [s. 498

To relieve Susan Elder, of Mobile county, from the disabilities of non-age.

Whereas, Susan Elder, of Mobile county, is under the age of eighteen years, and the chancery court is

without jurisdiction to relieve her from the disabilities of non-age, and

Whereas, She has unproductive lands which it is to her interest to dispose of; therefore

SECTION 1. Be it enacted by the General Assembly of Alabama, That said Susan Elder be, and she is hereby relieved of the disabilities of non-age, and shall have the right to sue and be sued, contract and be contracted with, to receive and take possession of her estate, to purchase, sell, and mortgage real and personal property, and to do and perform all things as effectually and legally as though she were twenty-one years of age.

Relief from non-age

Approved February 28, 1889.

No. 514.] AN ACT [s. 296

To incorporate the Alabama Synod of the Cumberland Presbyterian church.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Revs. J. C. Armstrong, A. S. Browning, J. Caldwell, J. B. Cross, L. B. Cross, E. J. C. Hale, S. G. Oglesby, S. S. Oglesby, H. H. Smith, B. Y. Wyatt, E. Acton, B. S. Casby, T. B. Deanor, J. W. Gammon, Peter Hardin, J. D. James, T. McCluny, T. B. Nation, E. L. Boss, A. M. Sadler, J. C. Smith, W. B. St. John, T. B. Taylor, J. H. Willoughby, A. B. Wilson, W. E. Brown, W. M. Burns, W. J. Callam, B. F. Chastaine, W. P. Cobb, I. W. Hagler, L. D. Lewis, M. G. Milligan, G. B. Russell, S. L. Russell, J. P. Smith, Columbus S. Hagler, and other ordained ministers of the gospel that now are, or may hereafter be, members of the Alabama Synod of the Cumberland Presbyterian church, be and the same are hereby created a body corporate, under the name and style of the Alabama Synod of the Cumberland Presbyterian church, and may, by that name and style, sue and be sued, plead and be impleaded, in any court of law and equity; also to contract and be contracted with, as a natural person.

Corporators.

Name.

Rights, powers etc.

SEC. 2. Be it further enacted, That said body corpo-

rate, under the corporate name any style aforesaid, may purchase, receive, sell, convey and dispose of any personal or real property of any character whatever, and make and receive in exchange any property, and enjoy all other rights and powers not herein enumerated as may be necessary for the well being and prosperity of said corporation, to all intents and purposes as a natural person might do or suffer to be done.

SEC. 3. Be it further enacted. That said corporation shall have power to make and exercise such by-laws, not in conflict with the constitution and laws of the State of Alabama and of the charter hereby granted for the government of the same, as may seem proper, and to amend and repeal the same at pleasure.

SEC. 4. Be it further enacted, That the corporation hereby created may create such offices, and hold elections, and elect such officers as may be desirable.

SEC. 5. Be it further enacted. That the said corporation is hereby declared an ecclesiastical corporation.

SEC. 6. Be it further enacted. That a vote of a majority of those present in any case or proceeding, when authorized to vote, shall govern.

SEC. 7. Be it further enacted, That the corporation hereby created may have and use, under its corporate name and style, a common seal, and may add to or annul the same at pleasure.

Approved February 28, 1889.

No. 515.] AN ACT [s. 504

To prevent stock from running at large in certain portions of beat 8 in Elmore county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall not be lawful for any stock to run at large from the first day of March to the 20th day of November, in that portion of beat 8, Elmore county, lying west of the range line that divides township 18, range 18, and township 18, range 19, from where said range line intersects the southern corporate limits of the city of Wetumpka, and running thence

Stock law district.

due south along said range line to where it crosses the Tallapoosa river.

SEC. 2. Be it further enacted. That it shall not be lawful for the owner, or any person lawfully in charge of any horse, mule, ass, cow, or cattle of any kind, hog, sheep or goat, to permit any such animal to go at large off the premises of such owner or tenant, or person lawfully in charge thereof, in said district, as provided in section 1 of this act.

SEC. 3. Be it further enacted. That any owner, manager, or tenant of any lands within the limits described in section 1 of this act, within which it shall not be lawful for any stock to run at large, who may find any stock running on his land, shall have the right to take up said live stock, and confine the same to prevent their doing further, or other damage, and shall also feed and water said stock, for which he shall receive the sum of twenty-five cents per day per head, and the cost of feeding and watering said stock .shall be taxed against the defendants as other costs are taxed, and collected from the sale of said stock, or by execution against the owner thereof.

Stock tak'n up; fees for.

SEC. 4. Be it further enacted. That it shall be the duty of the party taking up stock under this act, to inform the owner, if known, without unnecessary delay. But should the owner be unknown, the party taking up the stock, shall, after having made reasonable efforts to ascertain the ownership of said stock, report the same to a justice of the peace in said beat, and fully describe the same in his complaint, claiming damages, and it shall be the duty of the said justice to cause notice to be posted in three public places in the said beat, one of which said notices shall be at the county court house, properly describing the stock and stating the day upon which the complaint shall be heard, and shall proceed in all respects as if the owner was known.

Duty of taker up.

SEC. 5. Be it further enacted. That the owner or manager of any stock who shall knowingly suffer said stock to run at large in violation of the provisions of this act, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one nor more than twenty-five dollars.

Misdemeanor.

SEC. 6. Be it further enacted, That any person who

shall drive or entice upon his premises for the purpose of demanding compensation, the live stock of another, or shall permit the same to depredate after their discovery for the same purpose, shall be guilty of a misdemeanor, and on conviction shall be fined not less than one nor more than twenty-five dollars.

SEC. 7. Be it further enacted. That for any damage committed by stock running at large in such prohibited district, the owner of such stock shall be liable to the injured party to the amount of the damage, and the coat of all legal proceedings to be recovered by suit brought before a justice of the peace of the beat, who shall exercise jurisdiction in all cases arising under this act, and shall proceed as the law provides in all other actions for damages, and any judgment for damages recovered in such suit shall be a lien on the stock committing the damage, and such lien shall be a superior lien to all other liens on said stock, and such liens shall attach, whether such stock is taken up and impounded or not.

Damages ; stock liable for

SEC. 8. Be it further enacted, That when stock of any kind running at large has been taken up, the owner may claim and take his stock upon the payment of the damages, to the person taking up such stock, and also the fees that may be due for taking up, keeping and feeding the same ; and if the owner of the stock disputes the claim for damages the person taking up the stock may report the same to a justice of the peace of the said beat for adjudication.

Rights of owner.

SEC. 9. Be it further enacted. That the owners of section 25, township 18, range 18, which is included in this said district, are hereby authorized and empowered to erect and keep up a good and lawful gate across the road known as the lower or Hatchett Ferry road somewhere on said road between the northeast corner and southeast corner of section 25.

Gate.

SEC. 10. Be it further enacted, That any stock entering from the non-prohibited district, into the prohibited district, shall not be liable for any damage done, unless a lawful outside fence is kept up along or near said range line from the southern boundary of the corporate limits of the city of Wetumpka to the high water mark on the Tallapoosa river, said fence to be kept up by the land owners in the prohibited district.

Fence.

SEC. 11. Be it further enacted, That any stock entering upon the prohibited district between high water mark and the low water mark of the Tallapoosa river, shall not be liable under this act.

Approved February 28, 1889.

No. 517.] AN ACT [s. 316

To relieve G. B. Adair, of Tallapoosa county, of the disabilities of non-age.

Whereas, G. B. Adair, of Tallapoosa county, is under the age of eighteen years and has a small estate in lands, and has no parent or guardian ; and

Whereas, The chancery court is without jurisdiction to relieve him of the disabilities of non-age; and

Whereas, It is important for him to have the control and management of said estate ; therefore

SECTION 1. Be it enacted by the General Assembly of Alabama, That said G. B. Adair he and he is hereby relieved of the disabilities of non-age, and shall have the right to sue and be sued, contract and be contracted with, and generally to do and perform all acts which he could lawfully do if twenty-one. years of age.

Relief from non age.

Approved February 28, 1889.

No. 617.] AN ACT [s. 178

To authorize and empower Louisa W. Henderson, administratrix of the estate of John Henderson, deceased, to purchase lands for estate under sale or sales of same when made under mortgage or mortgages, or deed or deeds of trust, executed to intestate in his lifetime, and to sell the land, or any part thereof so purchased, either at private or public sale, and to make good and sufficient deeds of conveyance to same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Louisa W. Henderson, administratrix

of the estate of John Henderson, deceased, late of Tal-
May purchase eladega county, Alabama, be and she hereby is fully
lands at sale. authorized and empowered, on the sale of any and all lands and real estate hereafter made under the foreclosure of any mortgage or mortgages, or deed or deeds of trust, executed on lands to intestate in his lifetime, to insure the payment of debts or liabilities due intestate, to bid for and purchase the same, or any part thereof, for the use and benefit of the estate of said intestate.

SEC. 2. Be it further enacted. That on the making of such sale, or sales, the mortgagee or trustee in such mortgage or mortgages, or deed or deeds of trust, or
Person making officer or other person making the sale under the power
sale to make of sale in such mortgage or deed of trust, or under any
deed. foreclosure suit in any of the courts of this State, shall make, execute and deliver good and sufficient deed or deeds of conveyance to said Louisa W. Henderson as such administratrix, which shall inure to the benefit of said estate and to the heirs of law and next of kin of intestate, subject however to the rights of creditors of said estate.

SEC. 3. Be it further enacted. That said administratrix, under the purchase of any lands or real estate under the terms of this act, shall have the right and authority to sell the same, or any part thereof, to pay
May sell the the debts and liabilities of said estate, or any part
property. thereof, or for distribution among the heirs at law and next of kin of said intestate, the same when sold by said administratrix to be sold either at private or public sale, as she may think best and most to the interest of said estate, the sale or sales to be made for cash or on time, or partly for cash and partly on a credit. The said sale, or sales, if made at public auction, to be made in front of the court house door of Talladega county, on any Monday within the legal hours of sale, in this State, after notice of the time, place and terms of sale, with description of property, shall have been given for three consecutive weeks, before sale, in some newspaper published in said county of Talladega.

SEC. 4. Be it further enacted. That all sales made, or to be made, under the provisions of this act, within thirty days thereafter, shall be reported in writing and under oath by said administratrix to the probate court

of said county of Talladega, showing time, place and manner of sale, with description of property so sold, with price of same. That it shall be the duty of said probate court, on the making of such report or reports, at its next regular term thereafter, to confirm the same, if found to have been fairly made, and thereby make the same good to the purchaser or purchasers. Duty of judge of probate.

SEC. 5. Be it further enacted. That said administratrix, after the confirmation of such sale or sales, and after the payment of all the purchase-money for the same, be and she is hereby fully authorized and empowered to make, execute and deliver to the purchaser or purchasers thereof, good and sufficient deed or deeds of conveyance, which shall invest the purchaser or purchasers with good and sufficient titles to said land and real estate so sold by said administratrix. Good titles to be made

SEC. 6. Be it further enacted. That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 28,1889.

No. 518.] AN ACT [s. 244.

To amend the charter of the Birmingham Trust and Savings Company, incorporated under the general laws of Alabama.

SECTION 1. Be it enacted by the. General Assembly of Alabama, That in addition to the powers and authority given by law to said corporation, it shall be lawful for any court in this State, where money is required to be paid into court by any order or decree, to direct said money to be deposited with said corporation upon such terms and subject to such instructions as may be deemed expedient, and said court, if satisfied from the examination hereinafter made, that no security other than the said corporation is necessary, such court may order the deposit without other security than that of the corporation itself; Provide, however, that said corporation shall not be required to receive any money on deposit, or execute any trust without its own assent. Deposits without security.

SEC. 2. Be it further enacted. That said corporation may be appointed guardian of any infant or person non compos mentis, or executor or administrator of the estate of any deceased person, or trustee of any express trust created by law or by contract, and shall be subject to the duties and responsibilities; shall have the same powers, and shall receive the same compensation as may be fixed by law for a natural person holding similar offices or trusts, except as herein otherwise especially provided, and on its appointment to any such trust or office, said corporation shall be required to give security by the court; Provided, however, that this corporation shall not be required to accept any such office or appointment without its own assent.

May be guardian, executor administrator or trustee.

SEC. 3. Be it further enacted. That any court having jurisdiction to make or approve any such appointment of guardian, executor, administrator or trustee, or to order money deposited in said corporation, shall have the power, before making or approving such appointment or order, or at any time thereafter, to examine the officers of the corporation on oath or affirmation as to its financial condition, and as to its ability to meet its obligations, and the extent of its financial liabilities, and if deemed advisable by said court or courts, a suitable person may be appointed to investigate the affairs and management of said corporation, who shall report on oath to said court the manner in which its investments are made, and the security afforded to them by or for whom its engagements are made; the expenses of said investigation to be paid by said corporation.

Condition may be examined into by court.

SEC. 4. Be it further enacted, That said corporation may receive and hold in trust real and personal estate, including notes, bonds, obligations and accounts of the estate of individuals or companies or corporations, private or public, and may, in its fiduciary capacity, purchase, collect, adjust, settle, sell and dispose of the same in this State or elsewhere; it may act as agent or attorney in the leasing, conveying and managing real and personal estate, buy and sell bonds and stocks, negotiate loans, receive and collect rents, and other moneys; in the issuing and countersigning certificates of stock, bonds and other obligations of any corporation or municipality, may receive and manage any sink-

Other person of corporation.

ing fund therefor, and may accept and guarantee all such trusts of every description, not inconsistent with the laws of this State, that may be committed to it by any person or persons, or by any corporation, or by any court of record in this or any other State, upon such terms as may be agreed upon.

SEC. 5. Be it further enacted. That said corporation may purchase and erector lease a building or premises containing a strong and commodious safety vault or safe, and a number of small compartments or boxes, designed and adapted for rent to persons or corporations who desire to have a place of safe-keeping for valuables, and said corporation is empowered to rent out the boxes in said safety vault or safe to such persons and for such sums of money and for such time as may be agreed between said corporation and such persons as may jointly or severally rent one or more of said boxes or compartments.

SEC. 6. Be it further enacted. That said corporation is hereby empowered to receive for safe-keeping any valuables that may be intrusted to it and receipt for the same by its president, cashier or other officers, who may be appointed by the directors for that purpose, and may guarantee such deposits for such compensations as may be agreed upon between said corporation and said depositor.

SEC. 7. Be it further enacted. That said corporation may, and is hereby authorized, to issue debenture bonds, bearing not more than eight per cent. per annum, running for a term not exceeding twenty years, and to secure the same by a deposit of notes and bonds, payable to itself, secured by a first mortgage on real estate or otherwise, as may be set forth in such debenture bonds.

SEC. 8. Be it further enacted. That said corporation may make and enter into such contracts and arrangements and do and perform all such matters and things as may be necessary or convenient, directly or remotely, to carry out the several purposes of this corporation, as herein before set forth and declared.

Approved February 28, 1889.

No. 519.] AN ACT [s. 347

To amend the charter of the City of Birmingham, so as to enlarge the limits of said city, and so as to create a new ward in said city.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the city of Birmingham, Alabama, be extended so as to embrace and include all that territory of land lying within, and being included by the following limits, to-wit: Beginning at a point where the west side of 29th street intersects the south side of 11th avenue, north ; thence west along the south side of 11th avenue to where said avenue, if extended, would intersect the east side of Walker street, if said Walker street were extended; thence south along the east side of Walker street to its intersection with the east side of 7th street; thence south along the east side of 7th street to a point where said street, if extended, would intersect the south side of the Alabama Great Southern Railroad Company's main track ; thence east along the south side of said main track to the east side of 13th street; thence south along the east side of 13th street, to the south side of avenue B ; thence west along the south side of avenue B to the east side of 11th street; thence south along the east side of 11th street, to the north side of avenue H; thence east along the north side of avenue to the east side of 11th ; thence south along the east side of 14th street to the north side of l0th avenue, south; thence east along the north side of l0th avenue, south, to where it intersects with Highland avenue; thence along the north side of Highland avenue to Five Points; thence easterly along the north side of Magnolia avenue, to the north side of 10th avenue, south; thence in an easterly direction along the north side of l0th avenue, south, to the west side of 27th street; thence north along the west side of 27th street to the north side of avenue G ; thence east along the north side of avenue G to the west side of 29th street; thence north on the west side of 29th street to the south side of 11th avenue, north, being the point of beginning.

Corporate limits.

SEC. 2. Be it further enacted. That the said city of Birmingham shall be divided into five wards, as follows:

The first ward shall embrace all the territory lying between the center of 18th street and the western limits of said city, and between the center of avenue H on the south, and the northern limits of said city. The second ward shall embrace all that territory lying between the center of 18th street, and the center of 20th street, and between the center of avenue H and the northern limits of said city. The third ward shall embrace all that territory lying between the center of 20th street, and the center of 22nd street, and between the center of avenue H and the northern limits of said city. The fourth ward shall embrace all that territory lying between the center of 22nd street, and the eastern limits of said city, and between the center of avenue II and the northern limits of said city. The fifth ward shall embrace all that territory within the corporate limits of said city lying south of avenue H. Wards.

SEC. 3. Be it further enacted, That each of said wards shall be entitled to a representation in the board of aldermen of the city of Birmingham of two aldermen, and that the mayor and aldermen of said city shall elect two aldermen from the fifth ward to fill the vacancies in the fifth ward to serve until the next city election.

SEC. 4. Be it further enacted, That all laws in conflict with this act are repealed, and that the provisions of this act shall go into effect on the 31st day of December, 1889.

Approved February 28, 1889.

No. 520.] AN ACT [s. 393

To provide that the county commissioners of Calhoun county shall be entitled to the same mileage when they attend special terms of the court, or meet as jury commissioners, as they are now paid when they meet in regular terms.

SEC. 1. Be it enacted by the General Assembly of Alabama, That members of the court of county commissioners of Calhoun county shall be paid the same mileage when they meet in special terms or meet as jury commissioners, and ia the same manner as when they meet in regular terms of commissioners court. Mileage as jury commissioners.

SEC. 2. Be it further enacted. That all laws and parts of laws in conflict with this act are hereby repealed.

Approved February 28, 1889.

No. 521.] AN ACT [s. 417

To constitute the city of Sheffield a separate school district.

Separate school district.

SECTION 1. Be it enacted, by the General Assembly of Alabama, That the corporate limits of the city of Sheffield, Alabama, shall constitute a school district separate and apart from the remaining school districts in Colbert county.

Trustees, and powers

SEC. 2. Be it further enacted. That the city council of Sheffield and their successors in office shall constitute a board of trustees for said school district, who shall, as soon as practicable, proceed to establish and control said school district under the regulations hereinafter set forth.

SEC. 3. Be it further enacted. That the said city council shall have the power to buy and lease lands for the purpose of building school houses, taking the deeds and leases to themselves and successors, and also to purchase and erect and furnish school buildings.

SEC. 4. Be it further enacted, That the said city council are authorized to establish and locate the number of schools to be taught each year within said school district and elect teachers for the same, whether for males or females, white or colored, and perform all other duties necessary to the proper regulation and maintenance of such schools.

School funds.

SEC. 5. Be it further enacted. That the city of Sheffield shall receive its proportionate share of the public school revenue, including a pro rata share of the sixteenth section fund of each township that lies wholly or partly within the corporate limits of said city, and shall also receive all the tax collected as poll taxes within the corporate limits of said city for the use and maintenance of the public schools therein. All funds collected or received by said city of Sheffield pursuant to this act, shall be paid over to the treasurer of said city and be kept by him separate and apart from all other funds of said city,

and shall be paid out only on a warrant in favor of———- drawn by the clerk of said city council on a resolution or ordinance of said city council, and said city council is authorized to require of said treasurer a separate bond for the safe keeping of said fund in such sum and with such condition and security as they may prescribe, and payable to said city council and their successors, which bond shall be filed with the city clerk and shall be renewed from time to time as said city council may direct.

SEC. 6. Be it further enacted, That the said city council may appropriate not exceeding ten per cent. of the gross revenues of said city exclusive of the funds hereinbefore provided for the use and maintenance of such schools and for the erection, lease, purchase, repair and furnishing of school houses and for the purchase or lease of lands or. which to erect the same.

SEC. 7. Be it further enacted, That said city council shall have power to elect a superintendent of the public schools of said district who shall hold his office for two years; such superintendent, before entering on the duties of his office, shall take the oath of office prescribed by law for all officers in this State and shall give bond with security in such sum as may be fixed by said city council. payable to said city council and their successors and conditioned as all other official bonds; said bond shall be approved by said city council and filed in the office of the clerk of said city and a certified copy thereof shall be filed with the State superintendent of education. All funds drawn by the city clerk by direction of said city council as hereinbefore provided, shall be received from the city treasurer by such superintendent on such warrants and disbursed and accounted for by him in like manner as is required of county superintendents.

Superintend'nt and his duties.

SEC. 8. Be it further enacted, That said superintendent of public schools for the city of Sheffield, may be removed at any time, either by said city council or by the State superintendent of education, and when removed shall be ineligible to re-election during the term for which he was originally elected. All vacancies in the office of superintendent of such schools shall be filled by election, by said city council, at any regular or special meeting called for that purpose, and the person so elected shall hold for the unexpired term, and shall qualify and give bond as above required. The said superintendent shall

May be removed.

Vacancy.

be commissioned by the State superintendent of education and lie shall receive such compensation to be paid out of the fund provided for in this act as said city council may fix. Said superintendent shall make full and complete reports to the said city council and to the
Reports. State superintendent of education, and perform such other duties as are required by law of county superintendents of education not inconsistent with this act, and also sucli other duties as said city council may require not inconsistent with this act and the general laws of the State.

SEC. 9. Be it further enacted. That all laws or parts of laws in conflict with the above be and are hereby repealed.

Approved February 28, 1889.

No. 522.] AN ACT [s. 454

To incorporate the American Coal Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That James E. Webb, John P. Tillman, and their associates, be and they are hereby constituted
Name. and created a body corporate, under the name and tyle of the American Coal Company, and by that name may sue and be sued, plead and be impleaded, make and have a common seal, and break, alter or renew the same at pleasure ; shall have continual succes-
Rights, powers sion, may contract and be contracted with, borrow
etc. money and execute notes, bonds or bills therefor, and shall have and exercise all the rights, privileges, powers and franchises in and by this act hereinafter conferred and granted, and as or may be necessary to carry out and effect the purposes of its incorporation, and that said corporation may issue common and preferred stock.

SEC. 2. Be it further enacted. That the capital stock of said corporation is hereby fixed at the sum of five
Capital stock. hundred thousand dollars ; but the said corporation, by a vote of its stockholders, shall have the right and power, at any time after its organization, to increase its capital stock from time to time, as by its stockholders it may be determined and deemed essential

for the uses and purposes of its incorporation; Provided, that the capital stock shall not be increased to an amount exceeding five million dollars.

SEC. 3. Be further it enacted. That the capital stock of said corporation shall be divided into shares of the par value of one hundred dollars, and in all meetings or conventions of the stockholders, each stockholder shall be entitled, either in person or by proxy, to cast one vote for each share of stock held or owned by him, and executors and administrators shall have the power to represent the shares belonging to their testators or intestates, and guardians to represent the shares belonging to their wards. Vote of stockholders.

SEC. 4. Be it further enacted, That the persons named as incorporators in the first section of this act, or a majority of them, and such person or persons as shall a join and become associated with them in the premises, to shall meet at such time and place, in the State of Alabama, as they shall designate or appoint, and at such appointed time and place, shall proceed to take and receive subscriptions to the capital stock of said corporation, payable in such manner and at such times as may be determined and agreed on by and between them, and the party or parties, who may desire and propose to take stock in said corporation, which business may be transacted or completed at subsequent adjourned meeting or meetings, as may be deemed necessary, if not completed at the first meeting. The subscriptions to said stock may be made payable in money or property, real or personal, or rights or franchises, as may be expressed in the contract therefor; and if made payable in property, at such value as may be agreed on by and between the subscriber, and if subscribed for before the corporation is organized, the said corporators, or a majority of them, or, if taken after the corporation is organized, as may be agreed on by a majority of the stockholders. The provisions of this section shall be equally applicable to any subscriptions for stock made or taken upon any increase of the capital stock of said corporation after its original organization, as well as at the time of its organization, or in payment of subscriptions, for the original amount of capital stock in the second section of this act named. Subscriptions to stock.

SEC. 5. Be it further enacted, That when as much as one hundred thousand dollars shall have been subscribed, as authorized in the last preceding section, to
Organization. the capital stock of said corporation, then, at such time and place as may be determined by a majority in interest of the subscribers to said stock, there shall be a meeting of such subscribers for the purpose of organizing said corporation, by the election of a board of directors, to consist of not less than five nor more than ten members, who shall be elected from the sub-
Directors. scribers to the stock, and thereupon the directors so elected, or a majority of them, shall elect either from their number or from the stockholders of said corporation, as they may think best, a. president, and they shall also elect a secretary and treasurer of said corporation, or they may elect one person as secretary and treasurer; and the election of such directors, and
Other officers. by them of a president and secretary and treasurer, shall constitute the organization of said corporation. The directors, president, secretary and treasurer, so elected, shall continue in office until their successors are elected, and shall qualify ; the election of the successors of the directors to be at a subsequent convention of the stockholders, the time and place of holding which may be fixed or designated by a by-law of said corporation, which may be adopted by the board of directors, and of which time and place the stockholders shall have such notice as the board shall direct.

SEC. 6. Be it further enacted. That the purpose and object of said corporation shall be and is to mine coal,
Purpose and object. and to sell the same, and to manufacture coal into coke, and that said corporation shall have authority and power to buy, mine and sell coal, and to produce, manufacture, buy and sell coke, and to buy and sell or lease; to acquire, hold and possess all such coal lands, mineral rights in coal lands, timber rights, and other property, real or personal, easements and franchises, and to purchase, construct and operate all such railroads, tramways, buildings and structures as may be deemed needful and useful in carrying on its business permanently in the most efficient and advantageous manner, and to lay out, construct, purchase and use all such tramways, railways, or other roads or ways, as

may be needful and convenient for the transportation of its coal, coke, products, materials, and other things that may be required in its business; Provided, that the said corporation, before constructing any such tramways, railways, or other roads or ways, shall lawfully acquire the right of way therefor, and to that end, and for that purpose, may use and exercise the right of ad quod damnum, and institute and prosecute all such proceedings necessary thereto, upon the same terms and in the same way as is prescribed by the Code of Alabama. Right of way.

SEC. 7. Be it further enacted. That the business of said corporation may be carried on in the counties of Jefferson and Walker, and that said corporation shall have its principal office or place of business at Birmingham, in Jefferson county ; and that said corporation may also have an office or place of business, with an agent or other employee, in the city of New York, for the purpose of there transferring the stock of said company, and otherwise registering its acts and contracts, as may be deemed essential. Offices.

SEC. 8. Be it further enacted, That said corporation, by and with the consent of the persons holding the larger amount in value of the stock thereof, given in person or by proxy, either at the meeting of said stockholders first held for the organization of said corporation, under and in accordance with section 5 of this act, or at any subsequent meeting of said stockholders, duly and legally called for that purpose by the board of directors, shall have the power, and authority is hereby given to it, to execute and issue its bonds for such sums and in such amounts, and payable at such time or times as the said stockholders may determine, and bearing such rate of interest, not exceeding eight per cent. per annum, as the said stockholders may deem best; and to secure the payment of said bonds and the interest thereon, the said corporation is hereby authorized and empowered to execute, in its corporate name, a mortgage or deed of trust upon all of its property and franchises, or such part thereof as the said stockholders may deem proper, such bonds and mortgage, or deed of trust, to be signed and countersigned by the president and secretary, under the seal of said corporation; and the said corporation is hereby au- May issue bonds.

thorized and empowered to sell and dispose of its said bonds for the purpose of raising money, or for the purchase of property, or for any other purposes necessary to said corporation, as the directors may think best, on such terms as the said board of directors may deem best for the company.

SEC. 9. Be it further enacted. That there shall be annual meetings or conventions of the stock-

Meeting of stockholders.

holders of said corporation, at the principal office thereof, or at such other place as the stockholders may prescribe, for the election of directors, and for the transaction of such other business relating to the interests of the corporation, as such stockholders, when so assembled, may deem necessary or proper; of the time and place of holding such conventions, such notice shall be given to the stockholders as may be prescribed by by-law or otherwise, or as may be directed by the board of directors, on omission of the stockholders to prescribe; but no omission or failure to hold any such convention within the time prescribed, shall have the effect to cause a dissolution of such corporation, or the forfeiture of any of its rights, privileges, powers, or franchises. It shall require a representation of as much as three-fifths of the stock held or owned in said corporation, by the stockholders in person, or by proxy, to form a convention competent to transact business binding on the corporation or its stockholders. After the organization of the corporation, the number of the directors shall continue as provided in the fifth section of this act, until otherwise provided by said corporation, which shall have the power to increase or diminish the number as to it shall seem best. A majority of the board of directors shall constitute a quorum for the transaction of any business which they are or may be authorized to transact. Said corporation, acting by its stockholders in convention shall have power to enact or ordain all such rules and by-laws not contrary to the constitution or laws of this State, of the United States, as may be deemed needful and proper for the management and conduct of its affairs and business, and for the transfer of stock by its stockholders.

SEC. 10. Be it further enacted. That after the organization of said corporation, by and with the consent of

the persons holding the larger amount in value of its stock first obtained at a meeting of the stockholders convened for the purpose of voting upon the proposition, to be held after thirty days notice given in pursuance of law, the said corporation shall have the right to increase its capital stock, and to take and receive additional subscriptions to its capital stock, and in doing so, may, if it may deem proper and advantageous, receive such additional subscriptions, payable in whole or in part in property, real or personal, or rights or franchises, as subscriptions to its original stock are payable, as provided 'in this act; and may take and receive such subscriptions in the same manner from either individuals or corporations, engaged in the business of mining, or producing, or manufacturing iron or steel, or coal, or any of these products, and may take and receive proper conveyance for such property in payment for such subscriptions.

Increase of stock.

SEC. 11. Be it further enacted. That the said corporation is authorized to constitute and continue an agency or agencies outside of this State, for the trans fer of the shares of its capital stock, and to enact all by-laws necessary to provide for the transfer of such shares at such agency or agencies.

Agencies.

Approved February 28, 1889.

No. 523.] AN ACT [s. 432.

To amend section 38 of the charter of the city of Bessemer, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 38 of the charter of tlie city of Bessemer, Alabama, be and the same is hereby amended by strking out the word "fifty" in the sixth line of said section, and inserting the word "thirty" in lieu thereof.

Charter amended

SEC. 2. Be it further enacted. That tins act shall take effect and be in force from and after its passage.

Approved February 28, 1889.

No. 524.] AN ACT [s. 195.

To amend an act to protect the owners of stock in Clarke county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act entitled an act to protect the owners of stock in Clarke county, approved February 11, 1887. be amended so as to read as follows: That stock owned and kept in the county of Clarke, near the dividing line between it and other counties, in which laws have been established by the commissioners court of said counties, or the general assembly, prohibiting stock from running at large in said counties in the districts adjacent to Clarke county, that if said stock owned and kept in Clarke county shall wander across said lines into said districts in said adjoining counties in which stock is not allowed to run at large, the parties owning said stock in the county of Clarke shall not be liable for damages, pound fees, or any other charges to the owners or tenants of lands, or any other person within the adjacent districts in which stock is not allowed to run at large; Provided, if there shall lie lawful fences kept up between said districts and the county of Clarke, then the provisions of this act shall not apply; And provided further, that the benefit of this act shall apply equally to all the counties adjoining Clarke in case the latter shall establish, or have established within her bounds, stock districts in which stock shall not be allowed to run at large.

Stock law.

Approved February 28, 1889.

No. 525.] AN ACT [s. 375.

To amend section 17 of an act to incorporate the city of Calera, in the county of Shelby, approved February 24, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 17 of an act to incorporate the city of Calera, in the county of Shelby, approved February 24, 1887, be amended so as to read as follows, viz: 1. That the mayor and city council of Calera shall con-

stitute a board of trustees for the school district of Calera, and the board of trustees are authorized to establish and locate all schools to be taught each year, either for males or females, white or colored, to elect all teachers and remove the same for good cause; fix their compensation and prescribe their duties; control the distribution of teachers and pupils in the schools; dictate the course of instruction, the number and character of text books, the organization of classes or grades, the method of teaching, and shall prescribe rules and regulations for the government of the schools. Said board shall have and exercise such other and additional powers as may be necessary to give it complete control of the public schools of said district, and shall perform all the duties imposed on township superintendents in the State. 2. That the board of trustees shall have authority to appoint a board for the examination of applicants for positions as teachers in the public schools of Calera, and no person shall be elected as a teacher in such schools who shall not have received a license from the board; Provided, such board is authorized to carry out any contract with teachers existing at the time of the approval of this act, if they see proper. 3. That said board shall have power to buy lauds for the purpose of erecting school buildings thereon, or to provide suitable schools buildings by rent or purchase, and all necessary furniture, equipments and apparatus, the title to said property to be vested in said board of trustees and their successors in office, and all school property hereto fore controlled by the township superintendent of education in the school district of Calera, shall be under the exclusive control of said board of trustees. 4. That all funds devoted to public school* purposes in the district of Calera, whether derived from State, county or district, shall be paid directly to the secretary and treasurer of said board of trustees, in the same manner as State and county funds are paid to county superintendents of education, and shall be dispensed as the board of education may direct; and said board shall control, manage and disburse all other revenues winch may be raised by special tax or otherwise for the maintenance of the public schools of Calera, under such rules and regulations as the board may prescribe; but no moneys or funds are to be paid out or dispensed except upon the warrant of the board of trustees, signed by the mayor of Calera. 5. That the

Public-schools of Calera-

district of Calera, as a separate school district, shall receive its proportionate share of the school funds apportioned to Shelby county, and all other funds set apart by the State for school purposes. 6. That said board of trustees shall elect one of their number to be secretary and treasurer, who shall hold his office during the pleasure of the board. Said secretary and treasurer of the board shall keep a true and faithful record of its proceedings, hall preserve the books of said board and file its papers and documents, and he shall also perform such other duties as may be required of him by said board. He shall receive such compensation as the board of trustees may allow. Said secretary and treasurer must give a good and sufficient bond for the faithful performance of all his duties in such sum as the board of trustees may fix, not less than double the amount likely to be in his hands at any one time, said bond to be approved by the city council of Calera, and filed with the finance committee of said board. Said secretary and treasurer shall make monthly reports to the board of trustees, showing the amount of money received and paid out during the month, the vouchers for the same, the amount of cash on hand, the liabilities of such board, and such other information as may be required by the board. All the books, papers and documents of the secretary and treasurer shall be open at all times to the inspection of the board of trustees. 7. That the said board of trustees shall have power to charge in the several public schools such incidental or other fees as may be deemed necessary for the proper conduct of said schools.

Secretary and treasurer.

Bond.

Monthly reports.

SEC. 2. Be it further enacted. That all laws or parts of laws in conflict with ,this act, be and the same are hereby repealed.

Approved February 28, 1889.

No. 526.] AN ACT [s. 492

To regulate the publication of notices of sales of personal property by sheriff in Winston county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That hereafter it shall be lawful for the

sheriff of Winston county, Alabama, to advertise sales of personal property, by posting written notices at the court house door and four other public places in said county, for four consecutive weeks before the sale. Advertising sheriff's sales.

SEC. 2. Be it, further enacted. That all laws and parts of laws requiring notices of sales of personal property to be given by publication by sheriffs in a newspaper, be and the same are hereby repealed, so far as the county of Winston is concerned.

Approved February 28, 1889.

No. 527.] AN ACT [s. 500

To amend an act to incorporate the City of Wetumpka, approved January 30, 1839.

SEC. 1. Be it enacted by the General Assembly of Alabama, That section 8 of an act to incorporate the City of Wetumpka, approved January 30th, 1839, which is in words and figures, as follows, to-wit: Section 8. And be it further enacted, That the said mayor and aldermen shall have power and authority, annually, to assess, levy and collect tax, not exceeding one per centum per annum, upon all unimproved real estate in said city, and not exceeding one-fourth of one per centum per annum, of all improved real estate in said city, and not exceeding one-half of one per centum per annum, upon all personal property taxed by the State; a poll tax not exceeding one dollar on each white male inhabitant above the age of twenty-one years.; Provided, he shall have resided in said city two months preceding the time said tax shall be levied. A tax on all pleasure carriages, buggies, gigs and sulkys, exceeding not one per centum on the value thereof ; on every cart, dray, wagon and other vehicle used for the transportation of goods and other commodities from one part of said city to another for hire, a tax not exceeding twenty dollars; on every retailer of spirituous liquors a tax not less than fifty or more than one hundred dollars; on every vender of goods, wares and merchandise, drugs and medicines, or either of them, a tax not exceeding eight cents on every hundred dollars worth of goods sold ; on ware house Charter amended.

keepers and commission merchants, a tax not exceeding one-half of one per cent on all goods sold, be amended so as to read as follows: Section 8. Be it enacted by the General Assembly of the State of Alabama, That the mayor and aldermen of the city of Wetumpka shall have power and authority, for the ordinary expenses of said city, to assess, levy and collect, annually, a tax on all the unimproved real estate in said city not exceeding one per centum on the cash value thereof, and not exceeding one-half of one per centum on the cash value of the improved real estate in said city. The said mayor and aldermen shall have power and authority to pass laws for the assessment, levy and collection of taxes, not exceeding the following rates : a tax on every cart, dray or wagon, or other vehicles used for the transportation of goods or commodities, a tax not exceeding 20 dollars per annum ; on every retailer of spirituous, vinous or malt liquors, a tax not exceeding five hundred dollars per annum ; on every wholesale dealer in spirituous, vinous or malt liquors, a tax not exceeding one hundred dollars per annum ; on all goods sold at auction, a tax not exceeding one per centum on amount of sales; on all offices or agencies of gift enterprises, lotteries or businesses of like character, a tax not exceeding one thousand dollars per annum ; on all insurance offices or agencies for insurance on life or otherwise, foreign or domestic, for each company represented, a tax not exceeding two per centum per annum, on the amount of gross premiums, less expenditures and losses ; on all banks or bank agencies, or brokers, or dealers in exchange, a tax not exceeding fifty dollars per annum ; theatres, for each exhibition, or any public exhibition in the nature of a theatre, a tax not exceeding fifty dollars ; circuses, for each day, a tax not exceeding one hundred dollars; on all lectures where an admission fee is charged, except for charitable or benevolent purposes, a tax not exceeding twenty dollars for each day's performance ; all transient persons engaged in the business of selling merchandise or other commodity, a tax not exceeding ten dollars per day ; billiard, pool, bagatelle and other tables kept for playing, a tax not exceeding one hundred dollars for each table; on ten pin alleys, a tax not exceeding fifty dollars for each alley ; concerts for profit, except for charitable or benevolent purposes, a tax not exceeding twenty dollars; warehouses kept for

Taxes on real estate.

Licenses.

the storage of cotton, a tax not exceeding two cents per bale on ail cotton stored ; on all public scales, a tax not exceeding ten dollars per annum ; pistol or shooting galleries, a tax not exceeding fifty dollars per annum ; on all steamboats lying at the wharf, per day or any part thereof, a tax not exceeding twenty-five dollars ; all telegraph companies, a tax not exceeding two per centum on gross receipts ; on all other business, of every kind, where a commission is charged for the service performed, twenty dollars per annum ; on each ice cream saloon, a tax not exceeding twenty dollars per annum ; on soda fountains, a tax not exceeding ten dollars per annum ; on all express companies, a tax not exceeding fifty dollars per annum ; pawn-brokers, a tax not exceeding fifty dollars per annum ; on all railroad companies, a tax not exceeding one hundred dollars; on coal or lumber yards, for the sale of cost, lumber, shingles or other building materials, a tax not exceeding twenty dollars per annum ; on all itinerant peddlers, a tax not exceeding ten dollars per day ; on all persons engaged in selling .woods, wares or merchandise, a tax not exceeding one-fourth of one per centum on the amount of the gross sales ; on all other persona] property, not named hereinbefore, a tax not exceeding one-half of one per centum, on the cash value thereof.

Approved February 28, 1889.

No. 528.] AN ACT [s.391

To amend an act entitled an act to incorporate the city of Sheffield, in the county of Colbert, approved February 17th, 1885, and to confer additional powers and duties on the city council of said city of Sheffield.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act to incorporate the city of Sheffield, in the county of Colbert, be amended so as to read as follows : Section 1. That the city of Sheffield, in the county of Colbert, shall include in its corporate limits all the territory as now fixed by its charter, and all that territory which is included in the

Charter amended.

following boundaries, to-wit: Beginning at the present southwest corner of said city ; thence run westerly in a line in a straight extension of the south boundary line
Boundaries. of said city to the eastern line of the Lady Ensley Furnace Company property; thence south along the eastern line of said property to the southeast corner of the same; thence west along the south boundary line of said property in a straight line to the Tennessee river ; thence north and east up said river on the low water line to a point in block 627, fifty feet from the southwest line thereof; thence in a southeasterly direction across blocks 627, 614, 599, 582 and 557, keeping fifty feet from the southwest lines of said blocks to a street or alley north of blocks 550, 551 and 552 ; thence northeast along the northwest line of said street or alley to a point of intersection with the north line of D street, if the same was extended in a straight line in a westerly direction; thence east till it reaches the coporation line as now established ; thence to the point of beginning, on a line with the western line of Little Rock avenue. All that territory heretofore included in the corporate limits of said city of Sheffield, together with that included in the above set out boundaries, shall be within the corporate limits of, and shall be the said city of Sheffield. For said streets and avenues reference is hereby made to a map of the city of Sheffield, made by D. B. Miller, C. E.. on file in the office of the judge of probate of Colbert county, Alabama. And the inhabitants thereof shall be a body corporate, by the name and style of the city of Shef-
Powers. field, and the mayor and aldermen of said city shall be styled the city council of Sheffield, and by that name for said city of Sheffield may sue and be sued, contract and be contracted with, receive and grant, and do all other acts, as natural persons, in respect to the powers herein granted, may purchase and otherwise acquire and hold real, personal and mixed property, and dispose of the same for the use and benefit of the city, and may have and use the city seal, and may change and alter the same at pleasure.

SEC 2. Be it further enacted. That section ten of said act be amended so as to read as follows : That no person shall be qualified to vote at said election except the male inhabitants of said city, of and over the

age of twenty-one years, who have resided in the said city three months, and in the ward in which they propose to vote, one month, and in the State for twelve months next preceding such election, and are qualified electors under the general election laws of the State, and are registered as hereinafter provided. The polls shall be open between the hours of eight and nine o'clock, a. m., and be closed at five o'clock, p. m. Should the election not take place on the day fixed for the biennial election of mayor and aldermen, the corporation shall not for that cause be dissolved ; but the incumbents shall remain in office until their successors shall be elected and qualified, and it shall be the duty of the city council to fix some day, as early as convenient within one month thereafter, on which the said election shall be held, and should the city council fail or neglect to provide for the election as herein directed, they shall be guilty of a misdemeanor; and should a vacancy occur in the city council by the death, resignation or removal from the city, or the ward for which he was elected, or from any other cause, except on a contest of election, as now provided by law, the remaining members of the city council shall fill the vacancy at their next regular meeting after such vacancy occurs. The mayor, aldermen, clerk, treasurer and police of said city shall be exempt from jury duty.

Qualified voters elections,

Vacancy.

Exempt from jury duty.

SEC. 3. Be it further enacted, That section (23) of said act be so amended as to read as follows: That it shall be the duty of the mayor to preside and keep order at the meetings of the city council; he shall call special meetings of the city council whenever, in his opinion, the interest of the city requires it, and said mayor shall have the right, when the good or safety of the city requires it, to call upon or require the aid of the sheriff of Colbert county, for the protection of said city ; he may punish any contempt while the city council is in session, by fine not exceeding twenty-five dollars, and by imprisonment for not longer than five days, one or both ; he shall, at least once in every six months, make a statement to the city council, in writing, of the financial condition of the city, and shall do and perform such other duties as the city council may, from time to time, require.

Duties of mayor.

SEC. 4. Be it further enacted, That sub-section (17) seventeen of section twenty-seven (27) of said act, be
For schools. amended so as to read as follows: For the purpose of maintaining free white public schools and free colored public schools, inside of the corporate city limits, either or both, that not less than twenty-five per cent. of the gross revenue of said city, derived from any and allsources,except from the sale of bonds for specific purposes, shall be annually appropriated for the running expenses of the public schools ; this appropriation to be exclusive of any other revenues coming from the State, county or other sources for school purposes.

SEC. 5. Be it further enacted. That sub-section (27) twenty-seven of section 27 of said act be amended so
Licenses. as to read as follows : Said city council shall have authority to levy and collect from all persons, firms or corporations trading or carrying on any business, trade or profession ; by agent or otherwise in said corporate limits, a license tax on such business, trade or profession, but mechanics who employ no capital, but conduct their trade solely by their own skilled labor and attention, without employees, shall not be subject to the payment of license ; Provided, that no license tax shall exceed the sum of two hundred dollars, except license on retail, vinous, spirituous and malt liquors, which shall not exceed one thousand dollars, and except license for keeping public billiard tables or other public tables on which games are played, whether a charge is made for playing on such billiard or other tables or not, which license shall not exceed two hundred dollars for each table, general dealers in merchandise regularly engaged in business in said city, a tax of one-half of one per centum on amounts of merchandise on hand on the 1st day of January in each year, and to assess, levy and collect against general dealers in merchandise who are transient, a tax of one-half of one per centum on the largest amount of merchandise on hand at any one time while engaged in business; Provided, that the tax above provided for, shall be in lieu of the ail valorem tax of one-half of one per centum hereinafter authorized to be imposed for general city purposes on such merchandise. To assess, levy and collect each year taxes on all real and personal property in said city for general purposes.

To assess, levy and collect each year, taxes on all real and personal property in said city for payment of bonds hereinafter authorized to be issued, and interest thereon; also to assess, levy and collect each year, taxes on all real and personal property in the city for the support of public schools. All of said taxes not to exceed in the aggregate the amount allowed by the constitution of Alabama to be levied upon it; Provided, that personal property (stocks of merchandise included) not in said city on the 1st day of January, but brought into the city during the year, shall be assessed and taxed pro rata for the remainder of the said year, from the date it may be brought in the said city. The assessments herein mentioned are to be made by the city clerk and to this end he shall give ten days notice in a newspaper published in said city or county, that he will attend at a time specified for ten days at some public place in said city for the purpose of assessing the taxes of the city, and it shall be the duty of each tax payer to return to the city clerk within said time under oath a full and correct and complete list and valuation of his taxable property in said city, including a correct description of his real estate in the city and the value thereof, and in case any tax payer shall fail or neglect to return a full and complete list of his personal property, and real estate to the city clerk within the time herein prescribed, the city clerk shall ascertain from inquiry or otherwise, the personal and real property upon which .such person is liable to be taxed, and assess the same according to the best of his information and judgment, and whenever the said city clerk shall discover persons who, or property which has escaped taxation in any previous assessment, he shall assess the taxes thereon for such years as such persons or property have escaped taxation ; Provided, that no tax shall be assessed against personal property for previous years, except for the time during which the person owning such personal property at the time of such assessment has owned the same. When the assessment and valuation of the property, both real and personal in said city, containing all the property therein as well as the name of the owner thereof, shall be completed, it, together with all lists, shall be lodged with the mayor of said city, and the

Other taxes

Duty of city clerk.

Duties of mayor.

same shall be open to the inspection of all persons interested therein, and said mayor shall give ten days notice in a newspaper published in said city, that the assessments and valuations are completed and ready for inspection. A board of equalization consisting of three members of the city council, shall be elected by the city council, whose duty it shall be to examine the assessments of real estate and personalty made as hereinabove directed, and revise, correct and equalize such assessments as to make the valuation of the real estate and personalty therein assessed conform to the true cash value thereof at the time of the action of said board of equalization. But if said board should conclude that the valuation of any real estate or personalty should be increased, the same shall not be increased without notifying the tax payer or Ills agent in writing to appear before said board upon some day therein named, and show cause if any he can, why such valuation of said property should not be increased, which notice may be served by the city marshal or any policeman of the city. If any person feels himself aggrieved by reason of the erroneous or excessive valuation of any of his real estate or personalty, he may appeal to said board of equalization for correction or abatement. Said board shall have the power to summons witnesses and to hear proof touching the valuation of any real estate or personalty both for the city, and any tax payer who is aggrieved at the valuation of his real estate or personalty. Before entering upon the duties, the members of said board shall subscribe an oath in writing to discharge the duty of fixing the cash value of real estate and personalty in the city impartially, and to the best of their judgment and information. Due notice shall be given by the mayor of the sitting of said board. The mayor and aldermen shall prescribe appropriate resolutions for the government of said board in the discharge of their duties. After the assessment of the real estate and personalty shall have been equalized and corrections made as pro vided above, it shall be the duty of said board to return said assessments to said mayor and aldermen with the following certificate, to-wit:

Board of equalization.

We, the members of the board of equalization of Sheffield, do hereby certify that we have equalized and

corrected the assessment of real estate and personalty in the city of Sheffield by adding to and deducting from the valuations of the real estate and personalty, as assessed (or without adding to or deducting from the valuation thereof assessed as the case may be), and have ascertained the aggregate value of the taxable property of the city of Sheffield to be————for the year ————, and thereupon the mayor and aldermen shall levy a tax on such valuation making no distinction as to persons ; Provided further, that all real and personal property used exclusively for manufacturing purposes shall be exempt from the taxation by said city until the expiration of ten years after the passage of this act, but this exemption shall not apply to any of the property of persons, companies or corporations directly or indirectly interested in what is commonly known as commissary stores, or allow any such stores to be located on their premises; Provided further, that all property used exclusively for charitable, educational and religious purposes or either of them ; and all property and water works used for supply of water to said city and its inhabitants so long as water is furnished to said city and the inhabitants gratuitously, shall be exempt from taxation by said city. After the assessment of the property in the said city shall have been returned to the mayor and aldermen, and they have levied a tax thereon as hereinbefore provided, they shall deliver a tax list to the tax collector of said city, which list shall contain description of the real estate taxed, its valuation, and the taxes assessed thereon, and also the amounts of the personal property assessed to each person with the tax assessed thereon ; Provided further, that such assessments as may be made under the foregoing provisions of this section, where the owners of the property make no return, the assessments may be made from the State and county assessment book as assessed for State taxes the preceding year.

Exemption.

Duties of mayor and aldermen.

SEC. 6. Be it further enacted. That section 42 (forty-two) of the said act be amended so as to read as follows : That said city council are authorized and empowered to borrow and expend not exceeding the sum of thirty thousand dollars for the purpose of and to be applied exclusively to the erection of public school buildings

School buildings.

and appurtenances in said city, and to furnishing and equipping the same.

SEC. 7. Be it further enacted. That section forty-three (43) of said act be amended so as to read as follows: That for the payment of said sum, and to carry out the power and authority granted in the preceding section of this act, said city council be and they are hereby authorized to issue the bonds of the city, to be known and designated as public school bonds, for not exceeding thirty thousand dollars, payable in ten or twenty years, at the option of the city council, and to bear interest at the rate of not exceeding seven per cent. per annum, payable semi-annually. That said bonds shall be issued in sums of not less than one hundred dollars and not more than one thousand dollars each, and shall be numbered in the order in which they are issued, and shall have attached thereto coupons numbered to correspond with said bonds, setting forth the rate of interest, when due and where payable, and said bonds and coupons, when issued, shall be signed by the mayor and countersigned by the city treasurer, each of whom shall keep a record of the same; the seal of the city shall be attached to said bonds. That no part of said bonds shall be sold or hypothecated by said city council for less than ninety cents on the dollar. Said bonds and coupons, when due and payable, shall be receivable for all dues to said city. The principal and interest of said bonds to be payable in gold coin of the present standard of fineness, either in the city of New York or the city of Sheffield, and that not more than ten thousand of said bonds shall be expended in any one year.

Public school bonds.

SEC. 8. Be it further enacted, That section forty-four (44) of said act be amended so as to read as follows: That for the better security of the payment of said bonds at maturity, said city council may execute to trustees, or in such manner and form as may be deemed best for the city, a mortgage on the lots upon which said buildings may be so erected, and upon the buildings so erected, and upon the school furniture and apparatus therein; said mortgage to be signed and executed by the mayor in such manner as the city council may direct.

Mortgage.

SEC. 9. Be it further enacted, That section forty-five (45) of said act be so amended as to read as follows: That said city council be and are hereby authorized and empow-

Sewerage.

ered to borrow not exceeding the sum of sixty thousand dollars, to be expended and applied exclusively to the proper drainage and sewerage of the city.

SEC. 10. Be it further enacted. That section forty-six (46) of said act be amended so as to read as follows: That for the better security of the payment of said sum, and to carry out the power and authority granted in the preceding section of this act, said city council may be, and they are hereby authorized to issue the bonds of said city, to be known and designated as sewer bonds, for not exceeding sixty thousand dollars, to run to not exceeding thirty years, and to bear interest at a rate of not more than eight per cent. per annum, payable semi-annually. That said bonds shall he issued in amounts not less than one hundred dollars nor more than one thousand dollars, and shall be numbered in the order in which they are issued, and shall have attached thereto coupons numbered to correspond with said bonds, setting forth the rate of interest, when due and where payable; said bonds and coupons, when issued, shall be signed by the mayor and countersigned by the treasurer, each of whom shall keep a record of the same, and the seal of the city shall be attached to said bonds. That no part of said bonds shall be sold or hypothecated by said city council for less than eighty cents on the dollar. Said bonds and coupons, when due and payable, shall be receivable for all dues to said city. That no more than one-half of said bonds shall be issued and expended in any one year.

Sewer bonds.

SEC. 11. Be it further enacted, That said act to incorporate the city of Sheffield be amended by the addition of the following sections:

SEC. 60. Be it further enacted. That said city, council are authorized and empowered to borrow and expend not exceeding the sum of thirty thousand dollars for the purpose of, and to be applied exclusively to the erection of public buildings.

Public buildings.

SEC. 61. Be it further enacted. That for the payment of said sum, and to carry out the power and authority granted in the preceding section of this act, said council be and they are hereby authorized to issue the bonds of the city, to be known and designated as public building bonds, for not exceeding thirty thousand dollars, to run not longer than thirty years, and to bear interest at the rate of not more than seven per cent. per annum,

Public building bonds.

payable semi-annually. That said bonds shall be issued in sums of not less than one hundred dollars nor more than one thousand dollars each, and shall be numbered in the order in which they are issued, and shall have attached thereto coupons numbered to correspond with said bonds, setting forth the rate of interest, when due and where payable. Said bonds, when issued, shall be signed by the mayor and countersigned by the city treasurer, who shall attach the seal of the said city thereto, and said coupons shall be signed by said treasurer. That no part of said bonds shall be sold or hypothecated by said city council for less than ninety cents on the dollar. Said bonds and coupons, when due and payable respectively, shall be receivable for all dues to said city, and shall be made payable in gold coin of the present standard of fineness, either in the city of New York or Sheffield. Not exceeding one-third of said bonds shall be issued or expended in any one year.

SEC. 62. Be it further enacted. That for the better security for the payment of said bonds at maturity, said

Mortgage. city council may execute to trustees, or in such manner or form as may be deemed best for the city, a mortgage upon the lots upon which said buildings may be erected, and upon the buildings so erected, said mortgage to be signed and executed by the mayor in such manner as the city council may direct.

SEC. 63. Be it further enacted. That the corporate limits of Sheffield be divided into four wards, the boun-

Four wards. daries of said wards to he established by the city council and changed whenever in their judgment it shall be to best interests of said city, but not oftener than once in two years.

SEC. 64. Be it further enacted. That said city council of Sheffield, are authorized to borrow and expend

Paving streets the sum of thirty thousand dollars for the purpose of paving, macadamizing the streets and avenues in the city of Sheffield.

SEC. 65. Be. it further enacted. That for the payment of said sum, and to carry out the powers and authority granted in the preceding section of this act, said

Street bonds. city council be and are hereby authorized to issue the bonds of said city, to be known and designated as street bonds, and not exceeding thirty thousand dollars, to run not longer than thirty years, and to bear interest

at a rate not exceeding eight per cent. per annum, payable semi-annually. That said bonds shall be issued in sums not less than one hundred dollars, nor more than one thousand dollars each, and shall be numbered in the order in which they are issued, and shall have attached thereto coupons numbered to correspond with said bonds, setting forth the rate of interest, when due and where payable. Said bonds when issued shall be signed by the mayor and countersigned by the city treasurer, each of whom shall keep a record of the same. Said coupons shall be signed by the city treasurer, and the seal of the city shall be attached to each of said bonds. That no part of said bonds shall be sold or hypothecated by said city council for less than eighty cents on the dollar. Said bonds and coupons, when due and payable, shall be receivable for all dues to said city. Said bonds and coupons shall be payable in gold coin of the present standard of fineness, either in the city of New York or Sheffield. Not more than ten thousand dollars of said bonds shall be issued or expended in any one year.

SEC. 66. Be it further enacted, That the said city council are authorized and empowered to borrow and expend the sum of ten thousand dollars for the purpose of and to be applied exclusively to the improvement of the public parks of said city.

Improvement of parks.

SEC. 67. Be it further enacted. That for the payment of said sum of ten thousand dollars, and to carry out the power and authority granted in the preceding section of this act, said city council be and are hereby authorized to issue the bonds of said city, to be known and designated as park bonds, for not exceeding the sum of ten thousand dollars, to run not longer than thirty years, and to bear interest at a rate not exceeding seven per cent. per annum, payable semi-anuually. Said bonds shall be issued in sums of not less than one hundred dollars, nor more than one thousand dollars each, and shall be numbered in the order in which they are issued, and shall have attached thereto coupons numbered to correspond with said bonds, showing on their face the rate of interest, when due and where payable. Said bonds when issued shall be signed by the mayor and countersigned by the city treasurer, who shall attach the seal of said city thereto,

Park bonds.

and said coupons shall be signed by the city treasurer. That no part of said bonds shall be sold or hypothecated by said city council for less than eighty cents on the dollar. Said bonds and coupons, when due and payable respectively, shall be receivable for all dues to said city. Not more than five thousand dollars of said bonds shall be issued or expended in any one year.

SEC. 68. Be it further enacted. That for the better security of the payment of said bonds at maturity, said city council may execute to trustees, in such manner and form as may be deemed best for the interest of the city, a mortgage upon the ground to be improved for park purposes, and all improvements that may be erected or placed thereon, said mortgage to be signed and executed by the mayor in such manner as the city council may direct. Said bonds and coupons shall be payable in gold coin of the present standard of fineness, either in the city of New York or Sheffield.

Mortgage.

SEC. 69. Be it further enacted. That all bonds issued under the provisions of this act, together with the coupons attached thereto, shall have printed on the face thereof that they are receivable at their face value, at maturity, for taxes and other dues to said city.

How bonds to be printed.

SEC. 70. Be it further enacted. That a park commission, to be composed of three citizens of Sheffield, is hereby established, the members of said commission to be elected by said city council, the term of said commissioners to be respectively one, two and three years, and each year thereafter one commissioner to be elected, who shall serve for the term of three years. The duties of said commissioners shall be to expend all moneys raised for park purposes, subject to approval of the city council, by warrant drawn upon the city treasurer, and have general charge, control and supervision of the park and all improvements thereon, and shall report at least once a year to the city council.

Park commission.

SEC. 71. Be it further enacted, That a board of education is hereby established for the city of Sheffield, consisting of five school commissioners, who shall be elected by said city council, to serve respectively, one, two, three, four and five years from the

time of their election; and annually thereafter, one commissioner shall be elected for a term of five years. Said school board shall have exclusive charge, control and management of the public schools of said city, and shall have full power to make such rules as, in their judgment, may be necessary and proper; shall make semi-annual reports to the city council of the operation of said schools. That said commissioners shall elect, annually, a president and secretary of said board, subject to the approval of the city council; said school board shall disburse all moneys appropriated, or otherwise raised, for school purposes, by warrant drawn upon the city treasurer, signed by the president and countersigned by the secretary of said board,

School commissioners.

SEC. 72. Be it further enacted, That a board of public works is hereby created for said city, to consist of three commissioners, who shall be elected at the next ensuing city election by the people under the same regulations prescribed for the election of mayor of said city. Said commissioners to be elected to serve one for two years, one for four years and one for six years, and one commissioner to be elected every two years thereafter, whose term of office shall be six years. Said board shall have exclusive charge, control and management of all public works, except public schools and public parks, and subject to the approval of the city council, shall disburse all moneys appropriated or otherwise raised for such purposes, signed by a majority of said board, drawn on the city treasurer. In case of a vacancy in said board by death, removal, or otherwise, of any member thereof, such vacancy shall be filled by the city council, and who shall serve for the unexpired term of his predecessor.

Board of public works.

SEC. 73. Be it further enacted, That the clerk of said city shall assess all city taxes, act as recorder, and full authority and power is vested in him for this purpose, and it is made his duty to keep an office in said city, and to hear and determine all cases of violation of all laws, ordinances or charter of said city and punish the offenders in such manner as the city council may direct. Said city recorder shall possess within the police and corporate limits of said city all the powers and jurisdiction of a justice of the peace in both civil and criminal cases, and shall be subject to all the corresponding duties and liabilities of a justice of the peace; Provided, that he

Duties of clerk acts as recorder.

shall not be required to take jurisdiction, try or determine any cause, civil or criminal, as ex-officio justice of the peace that has not already come before him as recorder of said city. From any judgment or decision of recorder as such, an appeal may be taken by the defendant to the next term of the circuit court of Colbert county, upon the defendant entering into a bond payable to the city council of Sheffield, with two good securities, in such sum as said recorder may require, not less than twice the fine and costs conditioned to prosecute such appeal to effect and pay and to perform such judgment as the circuit court may render; Provided, that such appeal be taken or fully forfeited within five days from the rendition of such judgment by the recorder. The said appeal when so taken shall stand for trial at the first term of the circuit court of Colbert county, and then shall be tried and determined de novo unless some good cause be shown for a continuance. The said recorder shall have jurisdiction of all proceedings by motion, scire facias, or other writs instituted for the collection of any penal bond payable to said city council of Sheffield, taken under the act or under the ordinances of said city, passed in pursuance of this act, and from Ills judgment rendered in such proceedings, executions thereon may issue to be enforced as executions from justices of the peace. Said recorder to have the power to punish any contempt while holding his court by fine not exceeding twenty-five dollars and by imprisonment not exceeding five days, one or both, and shall do and perform such other duties as the council may from time to time require. Should the clerk of said city become unable or incompetent from any cause to perform the duties prescribed in this section, the mayor or acting mayor, shall perform the same duties as recorder pro tempore.

Appeals.

SEC. 74. Be it further enacted. That the said city council is hereby empowered to elect a city attorney, whose term of office shall be two years and until his successor is elected and qualified, and the compensation of said attorney shall be fixed by the city council.

Approved February 28, 1889.

No. 529.] AN ACT [s. 241

To amend sections 1, 8, 9, 12, 13, and 14, of an act to create a board of education for the town of Decatur and to prescribe the duties and powers of the same

SECTION 1. Be it enacted by the General Assembly of Alabama, That the first section of an act to create a board of education for the town of Decatur, and to prescribe the powers and duties of the same, is hereby amended so as to read as follows : Section 1. That the public schools of the town of Decatur shall be under the charge of a board of education, to consist of six members. The members of said board shall be appointed by the state superintendent of education in the following manner: The successor of L. M. Falk, shall be appointed to serve until January 1st, 1892 ; the successor of Dr. B. F. Cross, shall be appointed to serve until January 1st, 1892; the successor of Mayor C. C. Austin, shall be appointed at the expiration of his term, to serve until January the 1st, 1893; the successor of L. H. Grubbs, shall be appointed to serve until January 1st, 1893; the successor of C. C. Harris, shall be appointed to serve until January the 1st, 1894; one new member shall be appointed as soon as possible, to serve until January 1st, 1894. At the expiration of the term of office of each member thus appointed, his successor shall be appointed for a term of three years. All vacancies shall be filled by appointment, by the state superintendent of education, immediately after notification of the same by the board ; the members so appointed, to serve for the remainder of the unexpired term.

Board of education.

Vacancies.

SEC. 2. Be it further enacted. That section eight shall be amended so as to read as follows. That the plan of instruction, and all rules and regulations adopted by said board, shall be adhered to, unless altered by a vote of two-thirds of the members thereof.

SEC. 3. Be it further enacted. That section nine be amended so as to read as follows: That the board of education shall have authority to elect from its own members, a president, secretary and treasurer, to serve for a term of one, two or three years, as the board

Officers.

may prefer; the first election to be held January 1st, 1890, or as soon thereafter as practicable.

Treasurer; bond, and duties of

SEC. 4. Be it further enacted. That section twelve be so amended as to read as follows : That the treasurer who shall be elected by the board of education, shall before entering upon the duties of his office take the oath of office prescribed by law for all officers in this State, and shall give bond in such sum as may be fixed by the board of education, but to be for not less than double the amount of money which he may have in his hands at any one time, and conditioned as all other official bonds; such bonds shall be approved by the state superintendent of education, and filed in his office.

School fund.

SEC. 5. Be it further enacted. That section 13 be amended so as to read as follows: That the treasurer of the board of education shall draw and distribute the public school fund in the same manner that the county superintendents of education draw and distribute the funds for their respective counties, and the amount thus drawn by said superintendent, shall be used exclusively for the maintenance of public schools in the town.

SEC. 6. Be it further enacted. That section fourteen be amended so as to read as follows: That the treasurer of board of education may be removed for cause, either by the board of education or by the state superintendent of education.

SEC. 7. Be it further enacted. That all laws in conflict with this act, or a part of this act, be and the same are hereby repealed.

SEC. 8. Be it further enacted. That this act shall go into effect immediately on its passage.

Approved February 28, 1889.

No. 930.] AN ACT [s. 426

To confirm the incorporation and organization of the Florence Cotton and Iron Company, and to define and declare the powers of said company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the

Florence Cotton and Iron Company heretofore had under the general laws of the State, and by and under proceedings had in the probate court of the county of Landerdale be, and the same is in all things confirmed. Corporation.

SEC. 2. Be it further enacted, That said corporation shall have and possess all the rights, powers, franchises, privileges and immunities by the general laws of the State, conferred on private corporations organized for mining, manufacturing, or other industrial business, and all general laws applicable to such private corporations shall be, and are hereby made applicable to the said corporation, the Florence Cotton and Iron Company. Rights, powers etc.

SEC. 3. Be it further enacted. That said corporation, the Florence Cotton and Iron Company, has power to buy and sell lands in and around the town of Florence, Alabama, and to open and dedicate to the public, streets and avenues through the same, to buy and sell water rights and mill sites, to establish, maintain and operate cotton manufacturing mills and works, blast furnaces, and other manufacturing works of iron and other metals, to buy and sell cotton, and cotton goods ; to buy, sell, or hold and develop mineral lands, and to own and operate mines of iron and other metals.

Approved February 28, 1889.

No. 531.] AN ACT [s.476

To repeal an act entitled an act to prevent the compelling of women and children, or permitting of children under fourteen years of age to labor in a mechanical or manufacturing business more than eight hours in any day, so far as the same relates to El more and Autauga counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to prevent the compelling of women and children, or the permitting of children under fourteen years of age to labor in a mechanical or manufacturing business more than eight hours in any day, approved February 28, 1889, be and the same is hereby repealed, so far as the same relates to Elmore and Autauga counties. Repeal as to Elmore and Autauga.

Approved February 28, 1889.

No. 532.] AN ACT [s. 369

To authorize the mayor and council of the town of Decatur to negotiate a loan for the purpose of constructing sewers, and making other permanent public improvements in said town, and to issue bonds for the payment of said loan.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the mayor and council of the town of Decatur, county of Morgan, State of Alabama, be and they are hereby duly authorized and empowered to borrow and expend the sum not exceeding ($50,000) fifty thousand dollars, for the purpose of constructing sewers, and making other permanent public improvements for said town of Decatur.

Public improvements.

SEC. 2. Be it further enacted, That in payment of said sum, and to carry out fully the power and authority granted in section one of this act, the said mayor and council be and they are hereby fully authorized to issue bonds of the said town in an amount not exceeding (50,000) fifty thousand dollars, to be known and designnated as Sewer and Sanitary Bonds, with coupons attached signed and numbered to correspond with said bonds, showing the amount of interest, and when payable. Said bonds to run not longer than thirty years, redeemable at the option of the town, after twenty years, and to bear interest at not more than six per cent., payable semiannually, to be issued in such form and manner as the mayor and council may direct in sums not less than ($100) one hundred dollars.

Sewer and sanitary bonds.

SEC. 3. Be it further enacted. That to meet the interest and principal at maturity upon any or all of the bonds issued under authority of this act, the said corporate authorities shall, and it is hereby made their duty to set apart out of the general revenue of said town each year, an amount as a sinking fund to meet and pay off the principal and interest upon said bonds, at maturity, and to retain the same.

Sinking fund.

SEC. 4. Be it further enacted. That said corporate authorities shall have power and authority to do and to carry out fully all the powers granted in this act, either by themselves or by their agents duly by them appointed,

and no technicality, informality, neglect or omission in the proceedings of said board or the records thereof, shall in any way affect the validity of said bonds or coupons issued under this act, or any rights of the purchasers of the same, but said bonds and coupons shall have all the properties and protection of commercial paper, and said bonds and coupons shall be receivable for all dues to said town. Relating to bonds.

SEC. 5. Be it further enacted, That all bonds issued under this act shall not be negotiated for less than par in cash, and the money raised by the sale and negotiation of said bonds shall be deposited with the treasurer of said corporation to a separate account to be called the sewer account, to be paid out by him on warrant drawn by the clerk, and signed by the chairman of the sewer and Sanitary commission, hereinafter provided for, to the contractors or laborers who do the work and to pay for all material, or other property used, or work done, to carry out the improvements contemplated by this act; Provided, that no warrants shall be drawn for labor, material, services, or property, under the provisions of this act, until the accounts for the same have been presented to, and duly audited and allowed by said sewer and sanitary commission. Expenditure of proceeds from bonds.

SEC. 6. Be it further enacted, That a sewer and sanitary commission for said town be and is hereby created to consist of the mayor and two persons residents of Decatur, to be appointed by the governor of the State of Alabama, who shall have full control and authority over the improvements herein contemplated, and the expenditure of the moneys to be raised under this act. Said commission shall, and are hereby authorized to negotiate said bonds, and make all contracts for the construction of the improvements contemplated by this act. They shall have power to elect a chairman but, the clerk of the corporation shall be secretary to said commission, and keep a true and perfect record of its doings, which said record shall be deposited with the town and open to public inspection. Commission ; to be appointed by the governor.

SEC. 7. Be it further enacted. That the bonds issued under this act, and for the purpose herein specified shall be and the same are hereby exempted from taxation by the town of Decatur.

SEC. 8. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed.

Approved February 28, 1889.

No. 533.] AN ACT [H. B. 672

To establish a charter for the town of Avondale, in Jefferson county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants residing within the boundaries hereinafter designated are hereby incurporated and constituted a body politic and corporate, under the name of Avondale, and by that name may sue and be sued, receive and grant, and do all such other acts as natural persons may, within the powers herein granted and conferred, and may purchase and hold property, real and personal, for municipal purposes, and may have and use a corporate seal that may be altered at pleasure.

Charter of Avondale.

Corporate lim its.

SEC. 2. Be it further enacted, That the corporate limits of said Avondale shall he, and the said municipality of Avondale shall lie included within the following boundaries : Beginning at the intersection of Second avenue north, extended eastward from the city of Birmingham, Alabama, with the west line of section 29, in township 17, in range 2 west, thence in an eastward direction along said Second avenue to the east line of the west half of the northeast quarter of said section 29, thence south along said east line to Twelfth avenue south, as extended from said Birmingham, near the southeast comer of the northwest quarter of the northeast quarter of section 32, in township 17, in range 2 west; thence in a southwesterly direction along said Twelfth avenue one half mile to the land of the Elyton Land Company ; thence north along the west line of the northeast quarter of the northwest quarter of said section 32; thence west along the south line of said section 29 one quarter of a mile to land of the Elyton Land Company ; and thence north along the west line of said section 29 to said Second avenue at

the place of beginning, embracing the same territory as is now included within the corporate limits of the town of Avondale, situated in Jefferson county, in the State of Alabama.

SEC. 3. Be it further enacted. That the government of said municipality and the corporate powers shall be exercised by a mayor and five councilmen, who shall be elected as hereinafter provided, on the first Tuesday in March, 1889, and biennially on the first Tuesday in March thereafter by ballot, by the legally qualified electors of the State of Alabama, who have resided within the corporate limits of said Avondale three months next preceding such election. The first election held under the provisions of this act, shall be held and conducted by the sheriff of Jefferson county, who, to that end, with the probate judge of said county, shall appoint three qualified electors residing in said Avondale, as managers of said election ; that said managers shall be duly sworn in all things to conduct said election as provided by the law for holding elections in the State of Alabama ; that the polls ;it such election shall be opened between the hours of 8 and 9 A. M. and be kept open until the hour of 5 P. M.; that said nanagers shall count the votes cast, make up a poll list of the persons who voted, and, with their certificate endorsed thereon, showing the persons voted for, and for what office voted for, and deliver the same in a box sealed up, to the sheriff, who shall return the same to the probate judge of said county, as delivered to him. Within three days after such election, the said probate judge and sheriff shall count the votes so cast, and declare the result thereof. The persons receiving a plurality of the votes cast shall be the mayor and councilmen for the two years next succeeding. All elections for municipal officers thereafter shall be held under regulations adopted by the municipal authorities, who shall count the votes and declare the result. No person shall be a qualified voter at the election herein above provided for, who lias not been duly registered for the beat in which Avondale is situated, under the State laws. Persons otherwise qualified as electors may be registered at the polls by the sheriff on the day appointed for the election aforesaid. After the first election, the municipal authorities, at least twenty

Mayor and councilmen.

First election

days before each succeeding election, shall make pro-
Succeeding election. vision for registering the electors residing within the corporate limits of Avondale. In all elections, where there is a tie between any two persons voted for, where one only can fill the office to be filled, the election for that place must be by the authority or authorities
Ties. holding the election referred back to the electors of Avondale for a choice. At any municipal election held under this act, any person offering to vote may be challenged by either of the managers, or by any qualified elector, and it is the duty of each manager to challenge any person offering to vote, whom he knows, or suspects, not to be a qualified elector. The person so challenged may be examined under oath by the
Challenges. managers as to his qualifications, and the managers may examine other persons touching his qualifications. In all such cases the managers are authorized to administer the oath, to answer questions, and when proof is taken, may receive or reject the ballot offered.

SEC. 4. Be it further enacted, That any person who obtains registration when he is not entitled, in his own name or the name of another, or by an assumed name, and thereby casts a vote, or who swears falsely when chal-
Felony to register or vote illegally. lenged, or who, after having once voted at such election, votes a second time, or who shall aid another person not entitled to register and vote to vote at such election, shall, in each and every such case, be guilty of a felony, and shall, on conviction, be punished by imprisonment for not less than six months and not more than one year.

SEC. 5. Be it further enacted, That before entering upon their duties as such, the mayor and councilmen shall
Oath of office. take and subscribe an oath to support and obey. the constitution and laws of the State of Alabama and of the town of Avondale, and to faithfully discharge their respective duties as such mayor and councilmen. A majority of the board of council men shall be required to transact any corporate business, but any number may as-
Quorum semble at the place of meeting, adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board may prescribe. The board of councilmen may adopt such rules of procedure as may be necessary for the transaction of business; may fine its members for absence or disorderly

behavior, and may fill all vacancies in the board that may occur from deaths, removal or resignation. The mayor, when present, shall preside at all meetings of the board. When absent, the councilmen present may elect one of their number to preside. In case of the office of mayor becoming vacant by death, removal or resignation, the councilmen may elect a mayor to fill the vacancy for the unexpired term. The mayor may call meetings of the councilmen whenever the interests of the municipality require it. The councilmen shall meet at least once each month for the transaction of business.

Mayor and council.

SEC. 6. Be it further enacted. That the mayor, or in his absence, any councilman shall hear and determine all cases of violation of the by-laws, or ordinances, or of the charter of said Avondale, and punish offenders in such manner as may be prescribed by such by-laws and ordinances, and shall receive such fees or salary as the board may prescribe. The mayor shall have and possess, within the corporate limits of Avondale, all the powers and jurisdiction, both civil and criminal, of a justice of the peace, and shall be subject to all the corresponding duties and liabilities of a justice of the peace, and, before acting as a justice of the peace, must give bond like other justices of the peace. Before entering upon the duties of his office as mayor, the mayor shall give bond, to be approved by the probate judge of Jefferson county, in the sum of one thousand dollars, payable to Avondale, and conditioned for the faithful performance of his duty as mayor. From any judgment of the mayor, rendered in cases of violation of municipal ordinances or by-laws, an appeal will be allowed, if taken within five days thereafter, to the next term of the circuit court of Jefferson county, or of the city court of Birmingham, upon the defendant entering into bond with surety, to be approved by the mayor, payable to said Avondale, for such sum as the mayor may require, not less than double the fine and costs, and conditioned to prosecute such appeal to effect, and to pay such judgment as the appellate court may render in said cause. In case the appellant make default, the appellate court may affirm the judgment of the mayor, and render judgment against the defendant and his sureties on the appeal bond for the amount of the fine imposed by the mayor and costs of the appeal. In case the defendant appears to prosecute his appeal, the trial shall be de novo,

Duties of mayor.

and if judgment be rendered against the defendant for money, the court must also render judgment against the sureties on the appeal bond for the amount of said judgment and costs of the appeal; and, in addition thereto, if the judgment be imprisonment for hard labor, the defendant shall be remanded to the municipal authorities of Avondale for punishment. Where the judgment of the court shall be only imprisonment or hard labor, then the court shall render judgment against the defendant and the sureties on the appeal bond for costs of the appeal, and for the costs imposed by the mayor. The mayor, or councilman acting as mayor, shall have power, when so authorized by ordinance, upon the trial of offenders, to impose fines, imprisonment or hard labor on the streets. In all cases where a person is accused of the violation of an ordinance, lie may give bail with qureties for his appearance before the mayor for trial, and if he make default, the mayor may declare his bail forfeited and enter judgment, after notice to his sureties, against the defendant and his sureties for the amount of the bond, or in such sum as the circumstances of the case may authorize.

SEC. 7. Be it further enacted. That the mayor and councilmen of Avondale shall have full power to adopt and enact all by-laws and ordinances for the well-being of the inhabitants of Avondale, authorized by this act, and not in conflict with the constitution and laws of the State of Alabama, and to affix thereto appropriate penalties for violations of the same by fine, not exceeding one hundred dollars, and by imprisonment or hard labor for the town, not exceeding thirty days; and all persons convicted of any breach of the by-laws or ordinances of said Avondale, failing to pay such fine, may be imprisoned or placed at hard labor until such fine and costs are paid, for a term not exceeding thirty days.

Powers of mayor and councilmen.

2. To pass all ordinances to prevent and abate nuisances, and to punish persons creating or allowing nuisances on their premises or elsewhere; to pass all laws necessary to prevent the introduction of contagious diseases into the town; to preserve health, and to establish and regulate quarantine and pest-houses.

3. To maintain hospitals, and to provide and keep up a cemetery.

4. To license, tax and regulate theatrical and other

amusements, circuses, menageries, shows and exhibitions for the sake of gain; all trades, business, occupations and professions.

5. To restrain or prohibit gambling houses, houses of ill-fame, and to prevent and punish all violations of the criminal laws of the State of Alabama.

6. To appoint a marshal or chief of police, and as many policemen as may be needed for the good government of the municipality.

7. To divide the municipality into wards, whenever the councilmen shall deem it best to do so.

8. To establish and regulate markets and market-houses, and to enact laws for the sale of meats, vegetables and fruits within the corporate limits.

9. To sink and regulate public wells; to establish, authorize and regulate water-works, fire-plugs and hydrants; to make all needful provisions for a supply of water, gas, gas-lights, electric lights and for lighting the streets.

10. To establish fire limits; to make all necessary arrangements and provisions to protect the property of the citizens against fire by suitable fire apparatus.

11. To establish, open, control, regulate, repair, grade, pave and close streets and alleys; to establish, curb, grade and regulate side-walks, and to construct sewers.

12. To prevent the running at large of animals in the streets, and to authorize the impounding of the same, and to prescribe the conditions upon which the same may run at large.

13. To regulate and control the running of cars and locomotives along and across the streets.

14. To enact all ordinances regulating the sale of wares and merchandise on the streets.

15. To require property owners to keep sidewalks in front of their property in good repair.

16. To have and exercise full police powers within the corporate limits to prevent crime, to protect the rights of persons and property, and to preserve the public peace. To this end the marshal and policemen are clothed with the authority of constables under the laws of the State of Alabama; and the mayor and each of the councilmen are conservators of the peace, and empowered to make and order arrests for all violations of the laws of the State, and of the municipality, and to administer oaths.

17. To require all male inhabitants over the age of eighteen and under forty-five, residing within the corporate limits, to work not more than ten days in each year upon the public streets, or, in lieu thereof, to pay a sum to be fixed by the mayor and council, not exceeding five dollars per annum; and to this end, to enact suitable ordinances to enforce the duty when required. The inhabitants of said Avondale are relieved from duty on the pubroads of the county.

18. To establish, regulate and control a system of public schools, and maintain the same.

19. To license hacks and drays, regulate the running of the same, and to protect them in the collection of their lawful charges.

SEC. 8. Be it further enacted. That the mayor and councilmen are authorized to create all such offices, and to appoint all such officers and agents as may be necessary to carry into effect the powers conferred by this act, to prescribe their duties, to fix their compensation and the terms of service, to regulate and control them in the performance of their duties, and to remove and discharge such officers or agents.

SEC. 9. Be it further enacted. That said mayor and councilmen have full authority to purchase, and provide for the payment of the same, all personal and real estate deemed necessary, from time to time, for public use and convenience, and to construct suitable public buildings for council chambers, market-houses and school houses.

SEC. 10. Be it further enacted, That the mayor and councilmen of said Avondale, to provide public revenue, are authorized to levy taxes on real and personal property, capital employed in business, in said municipality, auction sales, sales of merchandise, gross amounts of

Taxation. commissions, or sums received, during the preceding year by any factor, commission merchant, broker or buyer ; on the gross receipts of each trade or occupation conducted within, or derived from a business carried on in, or partly within, said municipality; and on all salaries, whether from public or private employment, after deducting the expenses of carrying on such trade, occupation or employment; Provided, that where capital employed is invested in goods, wares or merchandise, a tax shall not be levied upon the capital, and at the same time upon the property in which the same is invested; and that it shall

not be lawful to impose a double tax upon any subject of taxation. The mayor and councilmen are authorized to establish regulations to insure correct returns to the proper officer or officers or agents, all of subjects of taxation, and for the listing of the same by the tax payer for taxation ; and if the tax payer fails to list his property for taxation, to provide that his property may be assessed by the officer appointed to assess property within the corporate limits ; and to make all needful regulations to equalize the valuations of property assessed for taxation, and to provide that the same be assessed at its proper valuation, in accordance with law.

SEC. 11. Be it further enacted, That the mayor and councilmeu are empowered to make all needful regulations, and to enact all by-laws and ordinances necessary to enforce the prompt collection of the taxes assessed, and to that end may elect a tax-collector, wlio shall quailfy by taking an oath to faithfully perform his duties as such, and shall give bond in such sum as may be required for the faithful discharge of his trust. One person may be appointed to perform the duties of assessor, collector and clerk of the municipality. Collector.

SEC. 12. Be it further enacted, That when the books of assessment shall be completed and returned to the mayor and councilmen, and they have levied a tax on the property so listed and assessed, the mayor shall issue his warrant annexed to the tax-list, or book of assessment, to the collector of the corporation tax, which list shall contain the names of the tax-payers, a description of the real estate, its valuation, and the taxes assessed thereon, and the amount of personal property assessed to each tax-payer and the tax assessed thereon; and such tax-list, with the warrant annexed, shall have the force and effect of an execution, and shall be a preferred lien on all the property within the corporate limits, or brought within the corporate limits, of every person assessed with the same, over all incumbrances, except the State and county taxes, from the date of the assessment. Warrant for collection.

SEC. 13. Be it further enacted. That all taxes assessed and levied within the corporate limits of Avondale shall liave the force and effect of a judgment at law, and, in addition to the remedy hereinafter given, the corporation of Avondale may bring suit in any court of law or equity against the person or persons assessed jointly or

severally, and recover such sum as may be found to be due for taxes and charges.

Duties of collector.

SEC. 14. Be it further enacted. That, after giving notice by advertisement by posting, or in a newspaper published in Avondale, for twenty days, that the corporation taxes are required to be paid to him on or before a certain day, it shall be the duty of the tax collector to enforce the collection of the same by a levy upon, and sale of the personal property of the delinquent tax-payer at public auction, first giving five days notice by posting of the time and place of sale. If, after taxes have been assessed, the tax-collector shall become satisfied that the taxes due from any person are in danger of being lost by delay, he is authorized and required, without delay, to seize, levy upon and sell any personal property liable for the payment of taxes.

Sale of property.

SEC. 15. Be it further enacted. That the failure of the collector to seize and sell personal property for the payment of taxes in default, shall not be a defense or round of objection to the sale of real estate for taxes in default, or in arrear. The mayor and councilmen are authorized by ordinance to adopt the procedure for the sale of real estate for the collection of taxes as set forth in artical III, chapter 5, title 7, part 1, Code of 1886, and jurisdiction to that end is hereby conferred upon the probate judge of Jefferson county, State of Alabama, to hear and determine and enter decrees of sale for the amount of taxes due, with the costs and charges thereupon. The purchasers of land at such sale shall receive a deed therefor executed by the tax-collector of the corporation of Avondale, conveying all the estate the tax-payer had therein at the date of the assessment of the land for taxation. By virtue of the deed so executed, the purchaser may sue for, at law, and recover possession of the real estate thereby conveyed, with the rents thereof from the date of the execution of the deed. In all suits brought under this act for the possession of real estate, the decree of the probate judge ordering the land to be sold and the deed therefor executed by the said tax-collector, shall be prima facia evidence of the right of the purchaser, or those claiming under him, to recover the real estate sold. If the land is in the possession of a tenant, notice to him by the purchaser, or his vendee, of the purchase, after the lapse of ten days from the time of the sale, that he is

the purchaser, and that the land has not been redeemed vests the right to the possession in him in the same manner as if such tenant had attorned to him.

SEC. 16. Be it further enacted. That any real estate sold pursuant to the provisions of this act may be reteemed within two years from the date of the execution of the deed, by the owner or any person interested in the same, paying or tendering to the purchaser or his vendee, the amount of the purchase money, with interest at the rate of sixteen per cent. per annum, all taxes. State, county and municipal paid by the purchaser, the value of all improvements erected thereon, necessary to keep the property in repair, and to make it productive by the purchaser—such value to be ascertained as now provided by the laws of the State of Alabama, and all lawful charges thereon. When the vendee does not reside in Avondale, the owner, or any one interested therein, may redeem the same by making payment, as aforesaid, into the treasury of Avondale, for the person entitled thereto, who shall be promptly notified thereof. When possession has been delivered to the purchaser by the tax-payer, if the land is not restored to him upon complying with the foregoing provisions, he may recover possession of the same by an action of unlawful detainer before a justice of the peace, or an action of ejectment. The municipality of Avondale is authorized to purchase property sold at tax sale, which sells for no more than the amount of taxes due and the costs and charges, receiving therefor the deed of the tax collector, and is entitled to the same remedies as other purchasers for the possession of the same. The mayor and councilmen may let or use unoccupied real estate of minors, non-residents, unknown owners, or persons non compos mentis, until the taxes due on such property shall be paid by the rents or use thereof.

Redemption of real estate.

SEC. 17. Be it further enacted, That the territory embraced within the corporate limits of Avondale be and the same is hereby constituted a public school district; and the mayor and councilmen, for the use of the public schools, are authorized to collect all poll tax from persons liable therefor, living within the corporate limits of Avondale ; and a payment of such poll tax to the tax collector of Avondale shall be a full

School district; poll tax, etc.

discharge of liability therefor to the tax collector of Jefferson county. The poll tax collected from the white inhabitants to be for the free white schools, and that collected from the colored inhabitants to be for the use of the free colored schools.

SEC. 18. Be it further enacted. That from every person, firm or corporation, conducting or carrying on any business, trade, occupation, or profession within the corporate limits of Avondale, the mayor and council-

Licenses. men are authorized to collect a license tax, the amount thereof to be, as far as may be, regulated by the volume of the business or trade, and the value of the occupation or profession, and to enforce the collection of such license tax by penalties fixed by ordinance. All sums derived from licenses, under the provisions of this section, are hereby appropriated to the support and maintenance of free schools within the corporate limits of Avondale.

SEC. 19. Be it further enacted, That the present charter of the town of Avondale is hereby repealed; Provided, that the present municipal government is continued in force until the officers elected under sec-

Repeal. tion three of this act have qualified as required ; And provided further, that all laws and ordinances now in force shall continue in force until repealed or modified by the mayor and councilmen of Avondale ; and that no prosecution, suit or claim, now pending shall be affected in any manner whatever by the adoption of this act.

SEC. 20. Be it further enacted. That all the provisions of this act shall be liberally construed to enable the mayor and councilmen to carry into effect all the powers conferred hereby.

SEC. 21. Be it further enacted. That for any services rendered by the probate judge and sheriff of Jeffer-

Fees. son county, they shall receive fees and compensation, as paid by the State of Alabama and Jefferson county, for similar services, to be paid by Avondale.

Approved February 28, 1889.

No. 534.] AN ACT [H. B. 990

To constitute a seperate school district, to be known as the Salem School District, in the county of Lee, and State of Alabama, and for the appointment of a board of trustees therefor.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a separate school district be and the same is hereby established, as hereinafter provided, in the county of Lee and State of Alabama, which district shall be composed and consist of all that territory included in sections nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33). thirty-four (34), thirty-five (35), and thirty-six (36) of township nineteen (19), range twenty-eight (28), and all of sections two (2), three (3), four (4), and five (5) of township eighteen (18), range twenty-eight (28). Separate school district.

SEC. 2. Be it further enacted. That to carry out the purposes of this act, Wm. A. Dunn, Thadeus W. Scott, Michael W. Whitman, Warner P. Kennon, Jno. A. White, J. A. Waller, Geo. W. McKennon, Chas. W. Buck, and S. T. Nelms, are hereby constituted and appointed a board of trustees of said Salem School District, who shall have power to purchase, receive, hold and convey for and in behalf of said school district, all such personal and real property as may be necessary or proper for the purposes of said school district, and who shall control the disposition of all funds which may be received by or for said school district. They shall also have power to build suitable school houses, and buy furniture for the same. Trustees.

SEC. 3. Be it further enacted. That as soon as practicable after the passage of this act, the said persons hereinabove named, or a majority thereof, shall proceed to organize said board of trustees, by electing one of their number president of the board, and by electing some suitable person or persons, whether members of the board or not, as secretary of the board and treasurer of the school district; Provided, however, the secretary of the board and treasurer of the district Organization.

may be one and the same person, if the board shall so elect.

SEC. 4. Be it further enacted. That the term of service of the persons hereinabove named as trustees, shall be for the term of two years from the time of their election, 1891, or until their successors are appointed and qualified, and their successors and all subsequent boards of trustees shall consist of nine persons, who shall be appointed by the superintendent of education of Alabama, on the first day of October, 1891, or as soon as practicable thereafter, and every two years thereafter, who shall hold office for the term of two years, or until their successors are appointed and qualified. In case of a vacancy in said board of trustees from any cause, the remaining members of said board shall have power to fill said vacancy for the unexpired term.

Terms of trustees.

SEC. 5. Be it further enacted. That the terms of service of secretary and treasurer shall be for two years from the date of their election, but they may be removed by said board of trustees at any time. The board shall require of the treasurer so elected a bond, in such amount as may be fixed by them, in no case to be less than double the amount of funds that will be in his custody at any one time, payable to said school district, and conditioned to safely keep and disburse according to law, all money which may come into his hands as treasurer of said school district, and to be approved by the president of said school board, and filed with him. A copy of said bond, certified to by the president of said board, shall he filed in the office of the State superintendent of Alabama. The board may require additional bond, with other or additional securities, and a different amount when they see proper to do so. The said treasurer shall receive such compensation as may be fixed by said board of trustees, but in no case to be more than two per centum of the money disbursed by him.

Secretary and treasurer.

SEC. 6. Be it further enacted. That no one but a freeholder or householder, resident within said district, shall be eligible to be appointed as member of said board of trustees, or be elected secretary or treasurer thereof. Said trustees and treasurer shall take the oath of office prescribed by law for all officers of this State before entering upon the duties of their office.

Oath of office.

SEC. 7. Be it further enacted. That said board of trustees may meet at such time and places within said district, as they may designate, and shall take such measures as may be proper to establish such schools in said district as may be necessary for the accommodation of the youth thereof, of each race; to grade such schools, prescribe the text books to be used therein, employ teachers, and generally to make such rules and regulations for said school district as to them may seem best and not in conflict with the laws of this State. The State superintendent of education shall furnish said board of trustees such books and blanks as are furnished the county superintendent of education.

Duties of trustees.

SEC. 8. Be it further enacted. That said board of trustees shall have power to receive any scholars not living within said district on such terms as they may designnate.

SEC. 9. Be it further enacted. That the trustees of said district shall receive no compensation as said trustees.

SEC. 10. Be it further enacted. That said school district shall be entitled to receive its proportionate share of all funds raised or appropriated by the State for public schools, and shall also receive its pro rata share of the sixteenth section interest accruing to the townships or parts of townships of which said school district is composed. And it shall receive all poll tax which may be collected from residents of said school district, and all funds which may be donated to said school district. All funds of said school district shall be paid to the treasurer of said school district, who shall receipt for the same, and the superintendent of education of the State, or other proper State officer, shall give the necessary orders and instructions, and issue the necessary warrants or certifycates to secure the payment to said school district of all funds to which it may be entitled from the State, or from poll tax, direct to the treasurer of said school district.

School funds.

SEC. 11. Be it further enacted, That the said board of trustees shall have power to levy an annual tax for school purposes, not to exceed one-half of one per cent. upon all property, both real and personal, within the bounds of said school district, and the tax assessor of the county of Lee shall, by direction of said board of trus-

School tax.

tees, assess said tax, which said assessment shall be collected by the tax collector of Lee county, at the same time, and in the same manner, with the annual State and county taxes, except that the said tax assessor shall, in making said assessment, keep separate lists of the property belonging to white and colored tax payers, and the said tax collector shall keep the taxes paid by each race, so distinct as to be able to designate the amount paid by each, and so pay over to and take receipts from said treasurer of said board of trustees for the amount paid by each race; said treasurer may keep the same separate and distinct. All taxes collected by the said tax collector within said district, shall be paid to the said treasurer of said school district, who shall receipt for the same, less the fees for assessing and collecting, and the said taxes so collected and paid over to said treasurer shall, by direction of said board of trustees, be disbursed in the interest of the separate schools for each race, respectively. And all funds raised or appropriated by the State for public schools and the pra rata share of the sixteenth section. fund and all poll tax, which may be collected from residents of the said school district, and all funds donated to the same, shall in like manner be kept separate and disbursed in the interest of each race accordingly.

Duty of treasurer.

SEC. 12. Be it further enacted. Before a special tax provided for by section 11 of this act shall be levied, an election shall be ordered by the probate judge of Lee county, on application of said trustees, to be held at Salem, Alabama, at such time as said judge of probate shall prescribe, to be held under the general election laws of Alabama, and the qualified electors residing in the proposed school district shall be allowed to vote at said election. If a majority of said electors shall vote against the said tax, it shall not be levied. If a majority of said electors shall vote in favor of the same, the probate judge shall enter a statement to that effect, upon the minutes of the commissioners court of said county, and the said tax shall be levied and collected; the tax from the white race to go to the white schools, and the tax from the colored race to go to the colored schools.

Election on tax.

SEC. 13. Be it further enacted. That the said board of trustees shall make annual reports to the State superintendent of education the same as required of county superintendents of education.

Reports.

SEC. 14. Be it further enacted. That this act shall take effect from the date of its approval, and that all laws and parts of laws in conflict with this act, are hereby repealed.

Approved February 28,1889.

No. 535.] AN ACT [H. B. 637

To repeal an act to protect domestic animals in Covington county against camp hunters.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act to protect domestic animals in Covington county against camp hunters, approved February 9, 1887, be and the same is hereby repealed.

Approved February 28, 1889.

No. 536.] AN ACT [H. B. 477

To amend the charter of Talladega College, Talladega, Alabama.

Whereas, B. F. Sawyer, H. E. Brown, Wm. Savory, P. M. Beebe and S. S. Tyier, resident citizens of Talladega, Alabama, desirous of becoming incorporated under the laws of said State, for purposes of education did, on the 17th day of February, 1869, elect as trustees, B. F. Sawyer, H. E. Brown, E. P. Smith, E. M. Cravath, Wm. Savory, J. G. Chaudron, Geo. Whipple, Ambrose Head en and P. M. Beebe, and on. said 17th of February, 1869, filed in the office of the judge of probate of the county of Talladega, Alabama, their certificate thereof, signed by them, after the election of said trustees, which was duly recorded on the same day, stating the corporate name of said college to be "Talladega College, Talladega, Alabama," and the names of the persons elected as trustees as above stated : that the first three named as trustees should hold their offices one year, the second three for two years, and the remaining three for three years;

and that all trustees thereafter elected should hold their offices for three years, unless elected to fill an unexpired term, existing by reason of the non-acceptance, resignation or death of a trustee. And,

Whereas, said college has continued to hold its regular sessions in each and every year from 1869 down to the present year, having at this time a board of trustees, whose names are H. W. Hubbard, R. H. Isbell, M. E. Stribley, A. F. Beard, L. E. Parsons, W. H. Ward, G. W. Andrews, H. S. DeForrest and James W. Cooper, together with a faculty consisting of H. S. DeForest, president, and sixteen others, and an annual attendance of more than three hundred students. Now, therefore, for the purpose of furthering the objects of said institution :

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporation now existing under the name of "Talladega College, Talladega, Alabama," is hereby confirmed and established, and all gifts of property, real, personal or mixed, made to Talladega College, by deed or will, or in any other manner, shall vest in Talladega College, Talladega, Alabama, as effectually for purposes of education, as if the same had been made to said college by its proper corporate name.

Corportation confirmed.

SEC. 2. Be it further enacted. That the corporate powers of said college shall be vested in and exercised by said board of trustees, and their successors in office ; and in and by said corporate name, the board of trustees may sue at law or in equity, and by its corporate name, it may be sued at law or in equity, and plead and be impleaded ; it may have and use a common seal, and may change the same at pleasure, it may hold, purchase, dispose of and convey property to such an amount as the business of the said college requires ; and said board of trustees may increase the number of the trustees to fifteen, and a majority of the trustees shall constitute a quorum for transacting its business.

Powers.

SEC. 3. Be it further enacted. That said board of trustees shall have power to appoint such officers for presiding over and transacting the business of their body as may be necessary, and prescribe their duties and obligations; to appoint the time and place of their

meetings ; to determine their own tenure of office ; to do and perform all acts regarding the selection, duties, remuneration or removal of a president, professors, instructors and other officers of the said college, or the granting of diplomas, certificates and honors, such as are done and performed by other colleges in the United States ; to make by-laws and ordinances for the government of the said college, the same not being repugnant to the constitution and laws of the United States or of this State.

SEC. 4. Be it further enacted. That so long as the property, real or personal of said college, or held by the American Missionary Association for the exclusive benefit of said college, is used for purposes of education, the same shall be exempt from taxation of any kind.

Approved February 28, 1889.

No. 537.] AN ACT [H. B. 999

For the preservation of game animals and birds in the county of Greene.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful at any place in the county of Greene, to catch, kill or injure, or pursue with such intent, any wild buck, doe or fawn, between the tenth day of January and the first day of November; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any wild turkey, between the fifteenth day of April and the first day of November; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any quail, sometimes called partridge, between the first day of March and the first day of November; and it shall be unlawful to catch, kill or injure, or pursue with such intent, any turtle dove, between the first day of February and the first day of November; and it shall be unlawful at any time, and at all seasons, to catch, kill or injure, or pursue with such intent, the mocking bird. Protection of game.

SEC. 2. Be it further enacted. That it shall be unlawful in said county, for any person to destroy or rob the

nest of any wild bird -whatever, except crows, blackbirds, jay-birds, hawks, and other birds of prey.

SEC. 3. Be it further enacted. That it shall be unlawful in said county, for any person to purchase, have in possession or expose for sale, any of the game or birds mentioned in the first section of this act, during the seasons when the catching, killing or injuring the same is prohibited.

SEC. 4. Be it further enacted, That it shall be unlawful for any person to catch by netting or trapping, any quail, or partridge, at any and all times in said county; Provided, that the provisions of this section shall not operate to prevent the owner of the premises, or any one authorized by him, to engage in such netting or trapping upon his own lands, between the first day of November and the first day of March.

SEC. 5. Be it further enacted,, That any person vio-
Penalty. lating any of the provisions of this act, shall be guilty of a misdemeanor, and on conviction, shall be fined not more than fifty dollars for each and every such violation.

SEC. 6. Be it further enacted. That one-half of the fine imposed on conviction in each case under the provisions of this act, shall go to the party who makes complaint against or reports the party convicted.

SEC. 7. Be it further enacted. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 28,1889.

No. 538.] AN ACT [H. B. 786

To amend and enlarge the charter of the East Lake Land Company, and to confer additional powers on said company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the
Charter con- East Lake Land Company, heretofore effected by and
firmed. under proceedings, had under the general laws of the State of Alabama, for the objects and purposes, and with the rights and powers set forth in

said proceedings, be and the same are hereby in all respects ratified and confirmed, and all acts of the East Lake Land Company thereunder, are hereby confirmed.

SEC. 2. Be it further enacted. That in addition to the powers given to the said East Lake Land Company, and declared and set forth in said proceedings, and in addition to the powers hereinafter conferred, the said East Lake Land Company is hereby authorized and empowered to construct, maintain and operate gas, electric and other illuminating works; to construct, maintain and operate all plants necessary therefor; to do and perform all other acts as may be necessary or incident to the construction, maintenance and operation of all such works; to manufacture and sell the products of such works, and to sell, lease, mortgage or otherwise dispose of all such works as may be constructed by it.

Powers of corporation.

SEC. 3. Be it further enacted, That the said East Lake Land Company is further authorized and empowered to build school houses, colleges, churches, theatres or manufacturing enterprises on its land and provide for the maintenance, operation and carrying on of the same, and to lend any of its funds on good security to, or guarantee the principal and interest of any debt created by any person or corporation for the purpose of aiding or inducing such persons or corporations to build school houses, churches, colleges, theatres or manufacturing enterprises of any kind on the property of the said company.

Buildings.

SEC. 4. Be it further enacted. That the East Lake Land Company is further authorized and empowered to take and receive in payment of any of the real estate it may have heretofore, or may hereafter sell, any of its outstanding capital stock, and no sale of its real estates heretofore made which has been heretofore paid for by taking and receiving in payment the outstanding capital stock of said company, shall be invalid for on account of the want of power and authority in said company to take and receive in payment for such real estate the outstanding stock of said company.

May sell real estate for stock.

SEC. 5. Be it further enacted. That the said East Lake Land Company is hereby authorized and empowered to construct, operate and maintain a railroad between

East Lake and Gate City in the county of Jefferson, to
Railroad. run the same over such route between the said termini as it may deem best, and to acquire by condemnation or ad quod damnum proceedings such property and easements as may become necessary in the construction of such railroad, or otherwise to such an extent and in such manner as is provided by law for railroad companies under the general law of the State of Alabama.

SEC. 6. Be it further enacted, That the sale heretofore made to T. C. Thompson as trustee for himself and
May sell rail- others by the said East Lake Land Company of the rail-
road. road constructed by it and running from East Lake to the city of Birmingham, in said county of Jefferson, shall not be invalid for and on account of the want of legislative authority and consent to the making of such sale, and said East Lake Land Company is hereby further authorized and empowered to sell, lease or otherwise dispose of any railroad it may build.

SEC. 7. Provided, however. That the provisions of this act shall not take effect until the same shall have
When to take been verified, confirmed and accepted by two-thirds in
effect. number holding two-thirds in value of the capital stock of said East Lake Land Company at a meeting to be called for that purpose, of which meeting at least fifteen days notice has been given as provided by the by-laws of said company for giving notice of stockholders meetings.

Approved February 28, 1889.

No. 539.] AN ACT [H. B. 626

To regulate the taking up and confinement of stock running at large in certain stock law districts of Autauga county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That any owner or manager of any stock who
Stock running resides in any district in Autauga county in which stock
at large; acts is by law prohibited from running at large, and who shall
that are misde- knowingly permit such stock to go off his premises or
meanaors. real estate, shall be guilty of a misdemeanor, and on conviction shall be fined not less than three nor more than twenty dollars, and that any justice of the peace or notary

public, having the jurisdiction of justices of the peace, shall have jurisdiction of the offenses under this section. All prosecutions under this section must be commenced within forty days after the commission of the offense, and the party injured by such stock shall alone have the right to institute such prosecution.

SEC. 2. Be it further enacted. That any person who shall break any inclosure in any part of the district in which stock is prohibited by law from running at large in said county, for the purpose of setting at large any animal confined therein, or for the purpose of allowing any animal not confined therein, to enter said district, and go at large therein, or any person who shall break any inclosure, the property of another in said district that is kept or used for confining any animal therein, must on conviction be fined not less than three nor more than twenty dollars.

SEC. 3. Be it further enacted. That any person who shall drive any animal proliibited by law from running at large in the district or districts mentioned in the preced-ing sections of this act, witliin the district, and shall set said animal at large therein, shall on conviction be fined not less than twenty dollars.

SEC. 4. Be it further enacted. That any person who intentiona'lly causes any animal prohibited by law from running at large, and confined in said district or districts, to break away from the herder, guard, or tether of such animal in said district, or who shall break the tether of any animal in said district, for the purpose of setting it at large therein, must on conviction be fined not less than three nor more than twenty dollars; Provided, that all offenses under this act may be tried before any justice of the peace, or notary public, with the jurisdiction of justices of the-peace in said county of Autauga, and all defendants shall have the right of appeal to the circuit court as in other cases of misdemeanor.

Approved February 28, 1889.

No. 540.] AN ACT [H. B. 430

To amend section one of an act entitled an act for the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson, approved February 13th, 1879, so far as the same relates to Mobile and Baldwin counties.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1 of an act entitled an act for the preservation of game animals and birds in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson, so far as the same relates to the counties of Mobile and Baldwin, be amended so as to read as follows : Section 1. Be it enacted by the General Assembly of Alabama, That it shall be unlawful at any place in the counties of Mobile and Baldwin to catch, kill or injure, or pursue with such intent, any wild buck, doe or fawn, between the first day of February and the first day of November ; any wild turkey, between the first day of April and the first day of November; any turtle-dove, between the first day of April and the first day of September; any quail, or partridge, between the first day of April and the first day of November ; any wild duck, between the first day of May and the first day of November ; and it shall be unlawful at any time and at all seasons to catch, kill or injure, or pursue with such intent, any wild duck or other water fowl in the night-time; and it shall also be unlawful to use any float, sneak-boat, box or battery, or other device of a like kind, in hunting wild ducks or other water fowl of any species or kind, and it shall be unlawful at any time, and at all seasons, to catch, kill or injure, or pursue with such intent, the mocking bird, cat bird, kildee, or thrush ; Provided, that the provisions in this section in reference to wild ducks or other water fowl, shall apply only to the counties of Mobile and Baldwin.

Protection of game in Mobile and Baldwin.

Approved February 28, 1889.

No. 541.] AN ACT [H. B. 815

To incorporate the Piedmont High School in the town of Piedmont, in the county of Calhoun, and State of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, .That J. N. Hood, E. D. McClellen, M. S. Moody, C. A. Sharp, Alexander McCallister, R. S. Steel, J. F. Daily, Daniel Monahan, W. J. Alexander, and P. H. Brewster, and their successors in office, be and are hereby constituted and declared a body corporate under the constitution and laws of Alabama, under the name and style of the Trustees of the Piedmont High School of Piedmont, Alabama, and by and under that name shall be empowered, both in law and equity, to sue and be sued, to plead and be impleaded, and also to borrow money, receive donations and bequests and purchase, sell and hold real estate, and other property, not to exceed in value the sum of twenty-five thousand dollars. Corporators. Name. Powers.

SEC. 2. Be it further enacted, That said body corporate, or a majority of the members thereof, shall have power to enact such rules, regulations and by-laws not inconsistent with the constitution and laws of the State of Alabama, as they shall deem advisable for the good government of said High School, and to promote and advance the interests thereof; and shall have power to elect annually from their number a president, secretary and treasurer, and in like manner fill vacancies in said board, also to adopt and use a common seal, and alter the same.

SEC. 3. Be it further enacted. That said body corporate shall have power to elect annually or otherwise the president of said High School, and to fix the rate of tuition to be charged in said school.

SEC. 4. Be it further enacted. That said body corporate, upon the recommendation and advice of the president of said High School, shall have power to issue diplomas or certificates of proficiency in the various departments or schools of said High School.

Approved February 28, 1889.

No. 542.] AN ACT [H. B. 664

To amend and confirm the charter of the Elyton Land Company, a corporation organized under the general incorporation laws of the State.

Whereas, The Elyton Land Company, a corporation ogrganized under the general laws of the State for the purpose, among other things, of promoting the development and growth of the city of Birmingham, is engaged in a business which cannot be completed within the period limited by law for the existence of its charter, therefore

SECTION 1. Be it enacted by the General Assembly of Alabama, That the said Elyton Land Company shall continue to exist as a corporation, with all its rights, privileges and franchises, for the term of fifty years, and during such continued existence said company shall have power to borrow and lend money, to guarantee indebtedness for persons and corporations, to build, own, rent, lease, and otherwise lawfully use buildings of any kind or description; to issue bonds in amount not exceeding five million dollars, bills, mortgages, notes and securities in any form authorized by law, except notes or bills intended to circulate as money, and to take stock in other corporations; but nothing in this act shall be construed to authorize said company to engage in the business of banking or insurance.

Corporation continued.

Approved February 28, 1889.

No. 543.] AN ACT [H. B. 846

To repeal an act entitled an act to authorize the laying off the county of Pike into commissioners districts, and providing for the election of commissioners by the qualified voters of the county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act approved February 29, 1887, to authorize the laying off the county of Pike into commissioners districts, and providing for the election of

Commission's districts repealed.

commissioners by the qualified voters of the county, be and the same is hereby repealed.

Approved February 28, 1889.

No. 544.] AN ACT [H. B. 4

Authorizing the payment of fines and forfeitures with certain claims in the counties of Cherokee, Blount and Marshall.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all fines and forfeitures in the counties of Cherokee, Blount and Marshall (which have been had or assessed and not paid), or which may hereafter be had or assessed, may be discharged by payment in claims against the fine and forfeiture fund of said counties, commonly known as State claims.

Fine forfeiture.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 28, 1889.

No. 545.] AN ACT [H. B. 601

To annul and vacate the incorporation of the town of Broken Arrow.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation of the town of Broken Arrow, in St. Clair county, is hereby annulled and vacated.

Charter repealed.

Approved February 28, 1889.

No. 546.] AN ACT [H. B. 549

To constitute the town of LaFayette, in Chambers county, a separate school district.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the town of La-
Separate School districts Fayette, Alabama, shall constitute a school district, separate and apart from the remaining school districts of Chambers county.

SEC. 2. Be it further enacted. That the trustees of LaFayette College, and their successors in office, shall
Trustees. constitute a board of trustees for said school district, who shall, as soon as practicable, proceed to establish and control said school district under the regulations hereinafter set forth.

SEC. 3. Be it further enacted. That said board of
Officers, teachers, etc. trustees are authorized to establish and locate the number of schools to be taught each year within said school district, and elect officers and teachers for the same, and shall perform all other duties necessary to the proper organization, regulations and maintenance of such schools.

SEC. 4. Be it further enacted. That said school district shall receive its proportionate share of the public
School funds. school fund coming to the county, and shall receive all taxes collected as poll taxes within such school district—said funds and taxes to be drawn and disbursed by such officer as may be appointed for the purpose by the board of trustees, in the same manner as county superintendents of education draw and disburse the funds of their respective counties, and the amount thus drawn shall be used exclusively for the maintenance of public schools in said district.

SEC. 5. Be it further enacted. That said board of
Duties of trustees. trustees shall receive and disburse all funds donated to the public shools of LaFayette or appropriated to said schools by the town council of LaFayette.

SEC. 6. Be it further enacted. That said board of trustees shall have power to charge such incidental or other fees as they may deem necessary for the proper conduct of said schools.

SEC. 7. Be it further enacted. That said board of trustees shall have the authority to create a board for

the examination of applicants for positions as teachers in the public schools of LaFayette, and no person shall be elected as a teacher in said school who shall not have received a license from such board.

SEC. 8. Be it further enacted. That the children and wards of all actual residents within the town of La-Fayette, from seven to twenty-one years of age, shall be entitled to seats as pupils in the public schools of LaFayette; Provided, such children shall, themselves, be bona fide residents of said school district, and non-residents' children may be admitted into such schools on such terms and conditions as the board of trustees may prescribe, but separate schools shall be provided for colored children. Admission of pupils.

SEC. 9. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 28, 1889.

No. 547.] AN ACT [H. B. 479

To amend section 1319 of the Code—mode of obtaining license to retail.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 1319 of the Code be amended so as to read as follows : A license to retail spirituous vinous, or malt liquors, shall not be granted until the applicant produces to the judge of probate a recommendation in writing, signed by a majority of the householders and freeholders residing within the corporate limits of the town, city, ward, village or precinct in which he proposes to engage in the business of retailing, who have been actual householders and freeholders within such district, for the space of one year next preceding the filing of such application, stating that they are acquainted with him, and that he is of good moral character, and is in all respects a proper person to be licensed. Retail license.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed; Provided, the

provisions of this act shall apply only to the county of Lawrence.

Approved February 28, 1889.

No. 548.] AN ACT [H. B. 813

To incorporate the Alabama Loan and Banking Company, of Florence, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That T. J. Ross, B. A. Lawton, H. K. Haw-
Corporators, name and power of. thorn, W. A. Willingham, Jr., James L. Riley, Henry A. Cassin and Julian Field, their associates and successors, are hereby constituted and declared to be a body corporate and politic under the name of the Alabama Loan and Banking Company, of Florence, Alabama, with power under this name, to sue and be sued; to have and use a common seal; to make, alter and amend by-laws for its government, not inconsistent with the laws of the United States.

SEC. 2. Be it further enacted. That the capital stock of said corporation shall be one hundred thousand dollars, divided into one thousand shares, of one hun-
Capital stock. dred dollars each, with the privilege of increasing the same at any time, to five hundred thousand dollars, and the incorporators are hereby authorized and empowered to open books of subscription to said stock, and to organize and commence business, when five hundred shares shall have been subscribed, and the sum of twenty thousand dollars paid in on said stock. The stock shall be paid for in monthly installments of not less than two dollars and fifty cents on each share subscribed, until the amount paid in shall be one hundred dollars per share; Provided, that any stockholder shall have the right to pay the entire amount subscribed at any time.

SEC. 3. Be it further enacted, That at the first meeting of the stockholders, called by a majority of the incur-
Directors. porators, a board of nine directors shall be elected from among the stockholders, to hold office for the period of one year, and until their successors are elected and qualified. A majority of the board of di-

rectors shall constitute a quorum for the transaction of business. Said board of directors shall have power, generally, to manage the business of the corporation, elect and appoint all such officers as they may deem necessary; fix their compensation and do and perform such other things as shall be delegated to them by the by-laws of said corporation.

SEC. 4. Be, it further enacted. That said corporation shall have power to acquire any property, real, personal, or mixed, by purchase or satisfaction of any debt due said corporation, or which may have been mortgaged or conveyed to it for moneys which were owing to it, or advanced by it, and to hold, control or dispose of the same, as in the opinion of the board of directors may be for the best interest of said corporation; to deal in precious metals, foreign and domestic exchange; to buy and sell, discount and to collect promissory notes, bills of exchange, claims or rents; to discount, buy and sell stocks, bonds, and securities generally; to loan money on real estate, and personal property at any rate of interest that may be agreed upon in writing, not exceeding the rate allowed by law; and it may 'also make such loans for any time agreed on, and charge interest for the whole time, and include the same in the note or notes, or other security given therefor, and collect the same by monthly installments, or otherwise, without any rebate of interest therein, if the debtor will so agree.

Powers.

SEC. 5. Be it further enacted, That said corporation may receive on deposit, all sums of money which may be offered it for the purpose of being invested, in such I sums, and at such times, and on such terms as the board of directors may agree upon, and which shall be repaid to such depositors, at such time, and with such interest, not exceeding the lawful rate, and under such regulations as may be fixed by said board, and if money is deposited by any minor, either as an investment or otherwise, such money may be withdrawn by the minor, without the consent of the parent or guardian of such minor, and his or her check, or receipt therefor, shall be as binding upon. such minor as though he or she were of full age.

Deposits.

SEC. 6. Be it further enacted. That said corporation shall have power to receive money in trust, and shall

have power to accept and execute any trust that may be committed to it by any court, and it shall have power to accept any grant, assignment, transfer, devise, or bequest, and hold any real or personal estate or trust, created in accordance with the law of this State, and then to execute on such terms as may be established or agreed upon by its board of directors, and said corporation is hereby fully authorized and empowered to act as trustee and assignees, and to receive on deposit all funds in litigation, in the various courts of this State, and to pay therefor such interest as may be agreed upon, not exceeding the lawful rate. It shall also have power and authority to receive for safe keeping or deposit, all monies, bonds, stocks, diamonds, old, silver plates and all other valuables, and charge and collect a reasonable compensation for the same, which said charge shall be a lien upon such deposit until paid.

May act as trustee, etc.

SEC. 7. Be it further enacted. That each stockholder of said corporation, shall be individually liable for the debts of the corporation to the amount of his or her unpaid subscription to the capital stock.

SEC. 8. Be it further enacted. That all laws and parts of laws in conflict with this act, be and the same are hereby repealed.

Approved February 28, 1889.

No. 549.] AN ACT [H. B. 865

To authorize N. L. Trull to survey and establish lines in Fayette county, in the State of Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, it shall be lawful for N. L. Trull, a county surveyor in Lamar county, to survey and establish lines in Fayette county, and such lines, when so surveyed and established, shall have the same force in law, as if they had been surveyed and established by the county surveyor of Fayette county.

County surveying.

SEC. 2. Be it further enacted. That before entering upon the discharge of the duties provided for in

this act, said N. L. Trull shall enter into the same bond and take the same oath, as is required of the county surveyor of Fayette county.

Approved February 28, 1889.

No. 550.] AN ACT [H. B. 694.

To amend the charter of the city of Faunsdale, Marengo county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the inhabitants of the city of Faunsdale, county of Marengo, State of Alabama, shall be and continue a body politic and corporate by the name of the city of Faunsdale, and by this name may sue and be sued, plead and be impleaded, grant, receive and do all other acts as natural persons in respect to the powers herein granted, and may purchase and hold real, personal and mixed property, for the benefit of said city, and dispose of the same, and may have and use a seal, which may be changed or altered at pleasure. Charter of Funsdale.

SEC. 2. Be it further enacted. That the corporate limits of said city of Faunsdale shall be, and the same are hereby designated and established as follows: Commencing at a point one-fourth of a mile north of the southwest corner of the store lot now owned by Mrs. C. S. Watkins, to run a line east one-fourth of a mile, thence south one-half a mile, then west one-half a mile, then north one-half a mile, thence east one-fourth of a mile to the point of beginning; And provided further, that the corporate authorities of the city of Faunsdale shall have police jurisdiction of the territory embraced between four lines one-eighth of a mile distant from and parallel to the boundary lines of the said corporation as hereinbefore defined. Limits.

SEC. 3. Be it further enacted. That the government of said city shall consist of, and its corporate powers be exercised by, a mayor and six councilmen, who shall be qualified voters of said city, and who shall be elected as herein provided annually, on the first Monday in March, by ballot, by the male inhabitants of said city of or over the age of twenty-one (21) years, who are citizens of the Mayor and councilmen.

United States, or who have legally declared their intention to become so, and have resided in the State of Ala-
Elections. bama twelve (12) months and in the city three (3) months next preceding such election, and are qualified electors under the general election laws of the State, and are registered as hereinafter provided; and should the election not take place on the day fixed for the annual election of mayor and councilmen, the corporation for that cause shall not be dissolved, but the incumbents shall remain in office until their successors shall be elected arid qualified, and it shall be the duty of the mayor and councilmen to fix some day as early as convenient within one (1) month thereafter, on which day said election shall be held, and should the mayor and councilmen fail or neglect to provide for the election as herein directed, they shall be guilty of a misdemeanor; and in case of a vacancy from any cause, either in the office of mayor or councilmen, the vacancy shall be filled by election by the remaining members of the board at its next regular meeting after such vacancy occurs. For the time being the present mayor and councilmen are to continue in office until their successors are duly elected and qualified as hereinafter provided.

SEC. 4. Be it further enacted, That at said election there shall be one polling place, and it shall be the duty of the mayor and city council to provide for the opening
Inspectors. of said polls, and to give fifteen (15) days notice by publication in some newspaper published in said city, or by posting in three (3) public places in said city of the time and place of holding such election, and the names of the inspectors of the election. The said mayor and councilmen shall appoint three (3) persons who are qualified electors of said city as inspectors of said election, and the said inspectors shall have full power and authority to keep order at the place of holding said election, and to commit to the calaboose of said city for a period of time not exceeding twenty-four (24) hours, any person or persons who shall make, or attempt to make, any disturbance at the place of holding said election so as to interfere with the peaceable and orderly conducting of said election, and the city marshal is hereby commanded to obey and put into execution all orders or processes issued by the said inspectors.

SEC. 5. Be it further enacted. That at least twenty

days before the first Monday in March, it shall be the duty of the mayor and councilmen to appoint one or more persons to act as registrars of voters, and to designate the place or places of registration. Said registrars shall respectively commence registration not less than fifteen (15) days before said election, and shall faithfully continue the same until the Saturday preceding said election, at which time the said registration shall be closed. Each of said registrars shall give at least three days' notice by advertisement in some newspaper published in said city, or by posting in three (3) public places in said city, of his or their appointment, and of the time and place at which he will attend and make registration of voters as hereinbefore required, and should any of the registrars so appointed fail to act, or from any cause a vacancy should occur in said appointment, then the board shall appoint some other person in his stead. Before any registration is made of any applicant therefor, the registrar must be satisfied by personal knowledge or otherwise, that such applicant is or will be by the then ensuing election, a qualified elector of said city, and the said registrar being so satisfied, must thereupon place the name of such applicant upon the registration list, with Ilia age, color and such other description as may be easily intelligible. And the said registrar, immediately after closing such registration, shall make an alphabetical list, and certify said original list and copy thereof over his signature, and deliver the same to the clerk of the city, who shall file the original in his office and deliver the certified copy to the inspectors of election.

Registrars.

SEC. 6. Be it further enacted. That before entering upon the discharge of his duties, the said registrar shall make oath before the mayor that he will faithfully and truly cause registration to be made of all persons who may personally apply therefor, and show that they are legally entitled to vote at the next ensuing election, and of no other persons. For violation of his duty as such registrar, he shall be guilty of a misdemeanor.

SEC. 7. Be it further enacted. That the inspectors of election for city officers, or at any other election in said city, before entering upon the discharge of their duties, shall select two clerks, and said clerks and inspectors shall make and subscribe the following oath, to be administered to them by the mayor or either of them:

Inspectors and clerks.

The State of Alabama, } I . . . . . , do solemnly swear
Marengo county, } that I will perform the duty of
in inspector or clerk according to law to the best of my judgment, and that I will not myself, or knowingly allow mother person, to compare the number of the ballots with the number of the votes enrolled.

Inspectors of any election shall not receive the vote or ballot of any person whose name does not occur on the official copy of the registration list as furnished by the clerk, and does not, on demand, make satisfactory proof of his identity with the person whose name may be on the registration list. For the purpose of such election the official copy furnished to the inspectors by the clerk shall be taken to be correct, but subject, if error be alleged, to be corrected by comparison with the original registration list on file in the clerk's office. Upon the receipt of any vote by the inspectors they shall forthwith draw a line upon said official registration list over the same voted. The said inspectors shall, immediately after the polls are closed, proceed to count the ballots cast, and certify the number of votes polled for each person for city officers or for any other officer or thing voted for, which certificate shall also show which are the highest on the list, and the inspectors shall return and file such certificate with the clerk of the city, and from general certificate of the inspectors the mayor and councilmen shall is certain and declare who are duly elected by the votes cast, and the persons who shall receive the greatest number of all votes cast, which were given in for the respective offices, shall be declared elected ; Provided, that where there are three or more persons candidates for the same office, the one receiving the plurality of votes shall be declared elected.

Plurality elects.

SEC. 8. Be it further enacted. That should there be an equal number of votes between any two or more persons who shall have been voted for at said election, and an election shall thereby fail, it shall be the duty of the mayor and councilmen to declare, and in case there be no mayor, or in case the mayor neglect or fail to do, then the councilmen to declare the fact that no election has taken place, because of the tie vote, and to issue a notice for a new election, to be held within not less than thirty days thereafter to fill the place or places not filled by reason of a failure to elect, which notice shall be given

In case of tie.

and a new election held in the same manner and form as hereinbefore required for a regular election.

SEC. 9. Be it further enacted, That immediately after the count of the vote, the inspectors shall enclose the ballots cast, together with the poll and registration list of the city, in the box in which is placed the ballots received at such election, and after carefully scaling the same, deliver said box with its contents to the clerk of the city, who shall give to the inspectors his receipt for the said box, stating in said receipt the condition of said box when received by him, and the said clerk shall preserve the same for thirty days, and if there be no contest, he shall, at the expiration of this time, cause the same to be burned in his presence, but in the event of a contest, they shall be delivered to the court trying the same.

Duties if inspectors.

Clerk of City.

SEC. 10. Be it further enacted. That any election held under this act may be contested in the same manner as is or may be provided for by the laws of the State for the contest of the election of judge of probate, and shall, so far as applicable, apply to the contest of elections held under this act.

Contests.

SEC. 11. Be it further enacted. That any person offering to vote at any municipal or other election of the, city of Faunsdale, may be challenged by either of the inspectors or by any qualified elector, and it is the duty of each inspector to challenge any person offering to vote whom he knows or suspects not to be qualified under this act, as an elector. When any person is challenged, if his ballot be not withdrawn, one of the inspectors must tender him the following oath: "You do solemnly swear that you will folly and truthfully answer all questions that may be put to you touching your qualifications as an elector." The inspectors, or one of them, must then examine him as to his qualifications under this act. When a vote is challenged the same must he counted by the inspectors, but such vote must he deposited in a separate box, and designated us contested vote.

Challenge.

SEC. 12. Be it further enacted, That any person who falsely personates another and thereby casts a vote to which lie is not entitled, or thereby obtains registration as a voter to winch he is not entitled, or attempts by such false personation of another to obtain such registration after having once voted at such election, votes a second time or attempts to vote a second time, or shall vote at

Register or vote illegally a felony.

such election when not entitled to do so, or shall falsely cause his name to be registered as a person entitled to vote when lie is not entitled, or shall falsely attempt to do so, or after having once obtained registration, shall cause himself to be registered a second time, or attempts to obtain a second registration, whether in the same or another name, or shall aid or assist another not entitled, knowing him not to be entitled to vote or obtain registration as a voter, or shall willfully give a false answer to any question put to him by any inspector or registrar, shall be guilty of a felony, and on conviction shall be punished by imprisonment in the penitentiary, or hard labor for the county for the space of not less than six months nor more that one year.

SEC. 13. Be It further enacted. That a majority of the board shall be required to transact any corporate business, but any number not less than three may assemble at their regular place of meeting and adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the board may prescribe; that the board may determine the rules of its proceedings, may fine its members for absence or disorderly conduct. In the absence of the mayor at any meeting of the board, the members present may select a presiding officer, and in case of sickness or temporary absence of the mayor from the city, or inability to serve from any other good cause, he may appoint any one of the councilmen to act as mayor during such sickness or absence, and such mayor pro tempore shall have all the power of the mayor and shall perform all the duties of the same.

Meetings.

SEC. 14. Be it further enacted, That it shall be the duty of the mayor to preside and keep order at the meetings of the board ; he shall call special meetings of the board whenever in his opinion the interest of the city requires it; he shall keep an office in said city and hear and determine all cases of fill violations of all by-laws or ordinances or charter of said city, and punish the offenders in such manner as the board, ordinances and charter may direct; he shall receive such fees and salary as may be prescribed by the board ; and the mayor shall possess within the corporate limits of said city all the powers and jurisdiction of a justice of the peace in both civil and criminal cases,

Duties of mayor.

and shall be subject to all the corresponding; duties and liabilities of a justice of the peace ; Provided, That he shall not be required to take jurisdiction, try or determine any cause, civil or criminal as ex officio justice of the peace that has not already come before him as mayor of said city. From any judgment or decision of said mayor as such an appeal may be taken by the defendant to the next term of the circuit court of Marengo county, upon the defendant's entering into bond payable to the city of Faunsdale with two good securities for such sum as the mayor may require, not less than twice the amount of the fines, judgments and costs, conditioned to prosecute such appeal to effect, and to pay and discharge such judgment as the circuit court may render ; Provided, that such appeal be taken and fully perfected within five days from the rendition of such judgment by the mayor. The said appeal, when so taken, shall stand for trial at the first term of the circuit court of Marengo county, and shall then be tried and determined de novo, unless some good cause be shown for a continuance. The mayor shall have jurisdiction of all proceedings by motion, scire facias or other writ, instituted for the collection of any penal bond, payable to said mayor and councilmen of Faunsdale taken under this act, and from his judgment rendered in such proceeding, execution thereon may issue and be enforced as executions from justices courts. The said mayor shall, have the right when the good or safety of the city may require it, to call upon or require the aid of the sheriff of Marengo county and his deputies, and may also require the aid and support of volunteer or military companies in said city for the protection of said city. He may punish any contempt while holding his court or while the board is in session, by fine not exceeding twenty-five dollars, and by imprisonment for not longer than five days, one or both. lie shall at least once in every six months make a statement to the board in writing of the financial condition of the city, which such statement shall be published in a newspaper published in the city, or if there be none, then notices posted in three public places in the corporate limits. He shall have the power to suspend the marshal or any policeman until the next meeting of the board, and report

to said meeting the fact of such suspension and the cause thereof. He shall do and perform such other duties as the board may require.

SEC. 15. Be it further enacted, That the board may appoint a city marshal, policemen, clerk, tax collector, tax assessor, treasurer, street superintendent, public weigher, and such other officers as they may see fit and think necessary for the good government of said city, and to carry out the powers herein granted, and may prescribe the duties of such officers and their liabilities and powers, and may require them to give bond in such sum as they see fit for the faithful discharge of their duties, and may remove or discharge any of its officers or employes at pleasure, and fix the salaries of the same. For any breach of the bond of such officers, suit may brought in the circuit court of Marengo county, or before any court having jurisdiction of the same, and such suits shall be governed in the same manner as other like suits. The board shall keep a regular record of all proceedings, orders, regulations, resolutions and ordinances of the board, which shall be read to the board and signed by the mayor or acting mayor when approved by the board, and the same shall have the force and effect of a record, and a copy thereof certified by the clerk shall be prima facie evidence in any court of record or elsewhere, and said record shall at all times be open for inspection.

City officers.

Procedings.

SEC. 16. Be it further enacted. That the marshal shall have in said city all the powers of constable under the laws of this State, and be entitled to all the fees of such constable when they are not otherwise prescribed by the board. He shall possess, within the limits of said city, all the powers of a peace officer. He shall execute the orders, notices and processes of the board or of the mayor, and shall have power, if the board so ordain, to make arrests with or without a warrant, and he shall perform such other duties as the board may prescribe; Provided, that he shall not be compelled to execute any process as constable, or to perform any of the duties of constable, except by order of the board, or of the mayor or acting mayor.

Marshal.

SEC. 17. Be it further exacted. That the said mayor and councilman shall have full and complete power :

1. To make, adopt and declare motions, by-laws,

ordinances in whatever manner and upon whatever subject, to carry out the power herein granted, and for the good government and order of said city as they may think proper, and to affix thereto such penalties for a violation of the same by fine, not exceeding one hundred dollars, and by imprisonment or hard labor for the city not exceeding thirty days, one or both, and all persons convicted for breach of any by-laws or ordinances failing to pay or secure such fine, may be imprisoned for such failure or placed to hard labor for the city until such fine and costs are paid, in such manner as the board may direct, not longer than thirty days.

Powers of mayor and councilmen.

2. To pass all laws and ordinances necessary and proper to prevent contageous and infectious diseases from being introduced into said city, and to preserve the health thereof; to establish and regulate a board of health ; to establish and regulate an effective quarantine within said city, and within ten miles thereof, and to punish any breach of quarantine laws.

3. To prevent and remove all nuisances at the expense of the person causing the same, or upon whose premises the same may be found.

4. To establish, set up, and regulate hospitals and poor houses, work houses and houses of correction.

5. To license, tax, regulate and restrain theatrical or other amusements ; the selling, retailing or giving away of spirituous, vinous, malt or other intoxicating liquors.

6. To restrain or prohibit gaming houses, houses of ill fame, disorderly conduct, breaches of the peace, riots and all unlawful assemblies and public indecencies.

7. To appoint and regulate night and day watchmen, police, patrol, and officers thereof.

8. To divide the city into wards and to regulate and to change the same.

9. To establish, regulate and control markets and market houses and to license the same; to license peddlers in a wagon, on horseback or on foot; bowling alleys and billiard tables, or tables of any device or kind from which any kind of profit is derived to the keeper ; dealers in pistols, bowie knives, dirk knives

or brass knuckles ; peddlers of medicines or articles of like character ; the selling of sewing machines, auctioneers, and all transient persons who offer goods of any kind for sale, or at auction, on the streets or in store houses; feats of legerdemain, or slight of hand, or other exhibition or entertainment, concerts or lectures, when an admission fee is charged; and to regulate and license the selling of fruit, beef, pork, mutton, fish and other like commodity upon the streets of said city; and to regulate and license carriages, hacks, wagons, drays and carts kept for public use; to tax and license livery stables and horse and mule drovers, keepers of stud horses, jacks and bulls ; Provided, the sums charged for such license do not exceed the sums established by the revenue laws of the State ; when there is any charge made by said laws, except as hereinafter provided.

10. To sink, repair and regulate public wells and cisterns; to establish water works and gas works, and when the same are located without the corporate limits, to have all needful power and jurisdiction over the same ; to establish and regulate street lamps, fire plugs and hydrants, and to control the same.

11. To open up new streets, widen or change the direction of streets, upon making compensation to the owners of land taken for public use, as is hereinafter provided.

12. To establish and build drains, sewers and reservoirs, and to compel the owner or owners of lots on real property to ditch and drain the same at the expense of the owner, and to punish the owner or person in charge of the same for refusal or neglect to comply, by fine or imprisonment, or both.

13. To establish and lay out public parks, and regulate the same.

14. To establish, regulate or change fire limits within said city, and to pass all laws necessary for the protection of said city against fire, and for this purpose may remove any wooden building or structure, paying the owner thereof a reasonable price therefor.

15. To lay out, regulate and control city cemetery and burial grounds, and to sell lots in the same.

16. To prevent the running at large upon the streets all cattle, hogs, dogs, or other animals, or fowls of any

description, and to pass all laws necessary for the sale and impounding of the same.

17. That the mayor and councilmen of Faunsdale shall have exclusive power and authority to levy, assess and collect poll tax from the inhabitants of said city liable to such tax, of not exceeding $3.00 per capita, to be used and applied as the board may direct, said tax to be assessed and collected by such officers as the board may appoint, under such rules and regulations as the board may prescribe, such officers to have the same rights, powers and remedies for the collection of said poll tax as are now given to the tax collector and other officers of Marengo county.

18. To regulate and control the running of engines or trains within the corporate limits of said city.

19. To pass all laws necessary and proper for the arrest, with or without warrant, of any person against whom there is a charge made of violating any city or State law, and to confine such person until tried, convicted or discharged by law.

20. To make and ordain all necessary laws concerning idlers, paupers, vagrants, and disorderly persons in correcting and restraining their vicious habits; and all persons convicted of a breach of the by-laws and ordinances of said city failing to pay such fine and costs that may be imposed by the court trying the same, may be placed at hard labor for the city until such fine and costs are paid; and in case any person put to hard labor for the city fail to work faithfully, he may be tried for such failure by the mayor or acting mayor, and if convicted shall be punished by fine not exceeding one hundred dollars, and by additional hard labor not exceeding thirty days, one or both.

21. To punish all persons who in any manner obstruct the marshal or other officer in the lawful discharge of his duty, or any person who, when called upon to assist in an arrest, fails to render such assist ance.

22. To pass by-laws and ordinances in relation to auctioneers carrying on their business on the streets, and to regulate and prohibit the same.

23. The said board shall have power to pass and establish inspection laws within the city for the weighing and measuring of all kinds of produce and provisions for

man and beast, and to provide for the inspection and gauging of wines, liquors, malt liquors, kerosene and illuminating oils.

24. To regulate and control the manner of building partition walls and partition fences, and to regulate the keeping, carriage and storage of gunpowder, blasting powder, wool rags, and other explosive or combustible materials within said city; to regulate and control the cleaning and sweeping of chimneys, the use of lights, stove pipes and flues in all stores, warehouses, shops, stables, kitchens, residences, offices, and other places within the corporate limits and in the territory over which the said corporate authorities may have police jurisdiction.

25. The said board shall have power to pass by-laws, ordinances and resolutions for the grading and paving of any sidewalk in said city, and provide for the payment therefor in such manner as shall not be inconsistent with the constitution of the State.

26. The said board shall have power to pass by-laws or ordinances and regulations for the erection of any house or building within said corporate limits, by requiring the applicant, before the erection of any building, to obtain a permit for the erection of the same from the board, under such rules and regulations as they may prescribe.

27. They shall have full power to regulate or prevent slaughter-houses, and to regulate or prevent the penning of stock or cattle within the corporate limits.

28. Any officer may be removed by a two thirds vote of the board at a regular meeting of the same; Provided, that the party shall be given ten days notice of the charge or charges against him before the board, after a regular hearing of the same, shall vote upon the charges or charge preferred, which shall in all cases be specified.

29. The said board shall have power to pass by-laws, ordinances and resolutions for the licensing of such businesses and vocations as are now licensed by the State,
Licenses. provided such license does not exceed the revenue laws of the State, except as hereinafter specified, and to impose and collect licenses on the following businesses not licensed by the revenue laws of the State, and other business whether licensed by the State or not, the same not to exceed the following amounts: Auctioneers, one hundred dollars; barber shops, for each chair, ten dollars; banks and bank agents, and dealers in exchange, fifty dol-

lars; commission merchants and brokers, whether by sample or otherwise, fifty dollars; express companies, each, fifty dollars; hotels, each twenty five dollars; restaurants, each, twenty-five dollars; life, fire, and other insurance companies, (except such are under the control of secret and fraternal societies), each ten dollars; livery stables, twenty five dollars; livery and sale stables, fifty dollars; dealers in fish and oysters, or either, twenty-five dollars; transient physicians and vendors of patent medicines, fifty dollars; undertakers, twenty-five dollars; keepers of studs or jacks and bulls, twenty-five dollars; telegraph companies, fifty dollars; carts, drays, wagons, hacks, coaches or omnibuses, each twenty-five dollars; warehouse and public weighers, fifty dollars; dealers in commercial fertilizers, twenty-five dollars; dealers (other than general dealers) in wagons, buggies or carriages not manufactured in the town, twenty five dollars; watchmakers doing business for himself, each ten dollars; bakers, each ten dollars; tin shops, each ten dollars; printing offices, ten dollars; coal or wood yards, each ten dollars; lumber yards, each twenty-five dollars; brick yards or dealers in bricks, ten dollars; dancing schools, ten dollars; skating rinks, ten dollars; ice cream saloons, ten dollars; real estate agents. twenty-five dollars; telephone exchanges, each one hundred dollars; plumbers or gas fitters, each ten dollars; ice factory, twenty-five dollars; lightning rod agents, twenty-five dollars; drummers or commercial agents selling to consumers, each fifty dollars; retailers of liquors (bar rooms), six hundred dollars; peddlers on foot, on horseback and in wagons, fifty dollars; fruit vendors from stands or on streets, fifty dollars; beef, pork, mutton or vegetable vendors after certain hours, twenty-five dollars; horse and mule drovers, one hundred dollars; on dogs, provided however that one dog shall be exempted to each head of family householder, fifteen dollars. The said board shall have the power to assess, levy and collect taxes on all property in said city for each year not exceeding one-half of one per centum on the value Taxes thereof, as assessed for State taxation the previous year, which said taxes shall be assessed and become due and delinquent at the same dates as the State taxes are by law ; Provided, that said board shall not issue licenses for a less amount than the whole amount fixed by said board; fractions of years shall be charged for as if issued for the whole year.

SEC. 18. Be it further enacted. That the city of Faunsdale shall have a prior lien upon all real and personal estate, assessed for taxes over and above all other liens that may exist thereupon except those of the State, and upon all sales made under and by virtue of such assessments, the tax collector of said city shall by a deed convey to such purchaser of such sale or sales, a title superior in the order of priority of liens to that of any liens then existing save those of the State; Provided, that when a tax is assessed upon property, the owners of which are not known, sixty days notice of the sale specifying the amount of the tax, shall be given in some newspaper published in Marengo county before said sale ; And provided further, that no sale of real estate for the payment of taxes assessed against it shall be invalid on account of the same having been assessed as belonging to any other person than the owner, or on account of any informality or irregularity whatever in any of the proceedings for its assessment or sale, unless the person impeaching said sale shall show that the taxes so assessed on said property and all penalties and costs accruing on such assessment and the proceedings for sale were paid at the time of such sale.

SEC. 19. Be it further enacted, That the said board is hereby authorized and empowered to pass laws for the sale of real estate and personal property in said city for taxes, whether said real estate and personal property belongs to residents or non-residents, or to persons unknown, and to authorize the sale of any lot or subdivision of lot, or so much of the property as may be necessary to pay the taxes due, and that the owner or any one for him or any mortgagee or any person having a lien be allowed at any time within two years from date of sale to redeem the same on paying the purchaser or city clerk for him, double the amount of taxes, costs and expenses of sale paid by the purchaser, and five dollars for the expense of reconveyance and the legal interest on the amount paid at such sale, from the date of sale to the date of redemption ; the right of redemption in reference to improvements made by purchasers shall be governed by the State law, any surplus arising from said sale to be paid into the city treasury to be kept by said officer as a sepa-

rate fund for the owner upon the responsibility of his bond, and that the board may by its agent purchase real estate sold for taxes, and in such event the deed for the same shall be made to the mayor of said city and his successors in office, to be held by him for the city, which may be redeemed as other land sold for taxes as aforesaid, and when so redeemed the mayor shall reconvey to the owner, at the expense of the latter as aforesaid.

SEC. 20. Be it further enacted. That the mayor and councilmen of said city shall have power to collect all taxes of said city and all fines and forfeitures imposed for violation of any town ordinance by execution, levy and sale, and from the operation of such execution no property of any citizen of said city or other person shall be exempt ; Provided, that this mode of collection shall not prevent the collection of such in any other manner herein provided.

SEC. 21. Be it further enacted. That said board shall have the authority to require all male inhabitants of said city, who have resided therein ten days, and who are between the ages of eighteen and fifty years, to work upon the streets of said city for at least five days in each year, under the direction of such officer as the board may appoint; Provided, that any person so required to work may relieve himself from so working by paying into the city treasury a sum not more than five dollars ; Provided further, that the inhabitants of said city shall be exempt from working on roads or highways outside the limits of said city. Provided further, that no male inhabitant of said city between the ages of eighteen and fifty years shall be exempt from the operations of this section, except such as the board may hereafter exempt by ordinance.

Street tax.

SEC. 22. Be it further enacted. That whenever any person is in the custody of the city authorities, before or after conviction of a violation of the city ordinance, and is held for such by said city, and such prisoner has violated any State law and is charged therein, such prisoner shall be lield by said city authorities until such time as the sentence of the mayor shall be fully performed and discharged, except in such cases where the party is demanded by the State authorities under a charge of felony; and the said city authorities shall deliver said prisoner to

Prisoners.

the sheriff of Marengo county, and such city officers in actual charge of said prisoner in the event of an escape of such prisoner through the fault or negligence of such officer' luring the time they so held the prisoner, shall be liable for such escape and shall be punished as is prescribed by the State law for an escape.

SEC. 23. Be it further enacted. That the board may pass laws compelling persons to work upon the streets or elsewhere who refuse to work when being under sentence of the mayor for a violation of any city ordinance.

SEC. 24. Be it further enacted, That in case the said city has not at any time sufficient room in its calaboose for the confinement of its prisoners, such prisoners may be confined in the county jail until the board can provide for their confinement in the calaboose or city jail, and while such persons are confined in the jail, the sheriff of Marengo county shall receive for keeping and feeding such prisoners the same compensation as is allowed him for keeping other prisoners.

SEC. 25. Be it further enacted, That said mayor and councilmen shall have power and authority to levy, assess and collect a poll tax from all male inhabitants of said city who are over the age of eighteen and under forty-five years.

SEC. 26. Be it further enacted, That said mayor or councilmen shall have the right to build and construct underground sewers and ditches through private property anywhere in said city, or anywhere over which said city has police jurisdiction, paying the owner therefor a reasonable sum for such right, or damage done to said property, and for the purpose of ascertaining such damage the mayor and councilmen shall appoint one disinterested party, the owner of said property shall choose one, and these two shall select a third, and these three shall view the premises, see the facts, assess the damage and report their verdict to the mayor and councilmen. The amount so assessed shall then be paid the owner of said property by the mayor and councilmen.

Sewers, ditches, etc.

SEC. 27. Be it further enacted, That the present charter of the town of Faunsdale and all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed ; Provided, that no prosecution, suit or claim whatever pending or to be brought under existing laws, shall in any manner be affected, im-

paired or altered by the passage of this act, and all existing laws and ordinances of said town adopted in pursuance of law shall be and remain in force until repealed or modified by the mayor and councilmen of Faunsdale, and all the powers granted by this act shall and must be liberally construed in favor of the city to pass such laws.

SEC. 28. Be it further enacted, That section 26 of an act entitled an act to amend the charter of the city of Fannsdale, in Marengo county, approved February 16, 1885, be amended so as to read as follows : Section 26. That the mayor and council are hereby authorized annually to appropriate as much as ten per cent. of the general revenue of said city, and all or any portion of the revenue arising from licenses granted and issued by said mayor and council for the benefit and support of free public schools in said city. That the city of Faunsdale, Marengo county, shall have the power to levy and collect the same licenses on all persons selling vinous, spirituous or malt liquors, or any other article for which said city requires a license when conducted within the corporate limits of said city, when said business is carried on within half a mile of the corporate limits of said city, and the city council of Faunsdale shall have power to pass and enforce all ordinances necessary to carry out the provisions of this section. Free schools

Approved February 28, 1889.

No. 551.] AN ACT [H. B. 622

To incorporate the city of Jenifer, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the city of Jenifer, in Talladega county, Alabama, be and the same is hereby incorporated, and the corporate limits of said city shall extend one-half a mile in every direction from the furnace of the Clifton Iron Company, known as the Jenifer furnace, on Salt creek, in said county, on the lines of the East Tennessee, Virginia & Georgia Railroad, and the Anniston & Atlantic Railroad. Charter.

SEC. 2. Be it further enacted. That the corporation of the city of Jenifer shall hereafter consist of a mayor

and board of aldermen, and said corporation shall be
Powers. known and styled "The City of Jenifer," and by that corporate name may sue and be sued, plead and be impleaded, grant, receive, and do all other acts as natural persons in respect to the powers herein granted, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of said city ; and may have and use a city seal, which may be broken or altered at pleasure.

SEC. 3. Be it further enacted, That the board of mayor and aldermen shall consist of a mayor and three
Mayor and aldermen. aldermen, to be elected by the qualified voters of said city of Jenifer, as hereinafter provided.

SEC. 4. Be if further enacted, That no person shall be eligible to the office of mayor or aldermen unless he is a qualified voter of said city.

SEC. 5. Be it further enacted, That the mayor and aldermen of said city shall be elected by ballot by the male inhabitants of said city, who are qualified voters under the provisions of this charter, and the marshal and other officers of said city shall be elected by the aldermen at a regular meeting of the mayor and aldermen of said city; and if there shall be a tie vote in any election of said officers, the mayor shall have the casting vote.

SEC 6. Be it further enacted, That every male person over the age of twenty-one years who is lawfully
Voters. entitled to vote under the general election laws of the State of Alabama, and who shall have resided within the city of Jenifer six months, and is lawfully registered, shall be qualified to hold office and be a qualfied elector in said city.

SEC. 7. Be it further enacted, That. the first election of city officers elected by the people under this charter,
Election. shall be held on the first Monday in April, 1889, and biennially on the first Monday in April thereafter, and the city officers so elected shall hold their several offices for the term of two years, and until their successors are duly elected and qualified ; and James E. Hendrick is hereby appointed mayor of said city of
Appointed officers. Jenifer, and J. P. McKaskell, C. U. Porter and E. E. Linthicum are hereby appointed aldermen of said city of Jenifer, and shall hold office until the first regular election for mayor and aldermen held under this

charter, and until their successors are elected and qualified.

SEC. 8. Be it further enacted, That all elections hereafter held for mayor and aldermen of the city of Jenifer shall be under such regulations and conditions as may be prescribed by the board of mayor and aldermen.

SEC. 9. Be it further enacted, That in the event any municipal election, in and for said city of Jenifer, shall be contested, it shall be contested before the judge of probate of Talladega county, Alabama; Provided, application is filed and notice given of such contest to the judge of said probate court and the person or persons whose election is so contested, within fifteen days next succeeding such election. Such contest shall be tried and determined and the proceedings thereto shall conform, in all respects, to proceedings governing the contest of the election of justices or constables as now provided under the general law of the State of Alabama, except as may herein otherwise be provided. Contests.

SEC. 10. Be it further enacted. That any person or persons so contesting the election of the mayor or any of the aldermen, must also at the same time give security for the costs of such contest, to be approved by such judge; but in no case shall such judge receive any less security than $100.00, nor require any more than $500.00. Security for costs.

SEC. 11. Be it further enacted. That a copy of the statement or notice of such contest, with the day of trial indorsed thereon, must be served on the person whose election is contested at least ten days before the day appointed for the trial, by any sheriff or constable, and the original notice returned to such judge. Contest pro-costs.

SEC. 12. Be it further enacted. That either party to such contest shall have the right to appeal from the decision of said judge of the probate court on such contestation to the supreme court of Alabama, by giving bond, with good and sufficient security, the amount and condition of such bond to be prescribed by said probate judge; Provided, that such appeal is taken within thirty days from the time such decision is rendered. Appeal.

SEC. 13. Be it further enacted. That the mayor and aldermen shall have full power and authority to pass

all by-laws and ordinances, to prevent nuisances and to declare and remove nuisances; to prevent the introduction of contagious or infectious diseases within said city by providing one or more places for the reception of the sick, or by any other lawful means whatsoever ; to establish night watches and patrols ; to erect lamps and provide and pay for the lighting of said city; to prohibit the sale of vinous, spirituous and malt liquors, or to regulate the sale thereof, and fix the sum to be paid as license to sell the same, as the mayor and aldermen of said city may see proper, within the corporate limits of said city; for the regulating and licensing of pawn-brokers within the city; to restrain or prohibit gambling, and to regulate and license theatrical and other public amusements ; to erect and repair bridges, to keep in repair all necessary streets and avenues, to open up new streets within said city, upon making compensation to the owners of lands taken for public use; to make all drains and sewers required, and to keep them open ; to pass all ordinances necessary for preserving streets, alleys, sewers, bridges and other public property of the city ; to organize and regulate fire companies; to enact by-laws for the extinguishment of fires, and, if necessary, to remove or pull down buildings or fences for the prevention of fires, and to sink wells ; to make reservoirs; to erect or repair pumps or wells in the streets or at such other places as the public good may require ; to acquire by lease, purchase or otherwise the use of houses for hospitals, pest houses, houses of correction, penitentiary and other buildings, for the use of said city ; and to levy and collect taxes, as prescribed by this act, for defraying the expenses of the city ; to restrain or prohibit nightly or disorderly assemblages of all persons ; to cause all vagrants, idle, disorderly or dangerous and suspicious persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found drunk or begging in and about the streets and have no visible or honest employment or business in the city, and all public prostitutes who lead a notorious, lewd or lascivious course of life, to give security for their good behavior for a reasonable time, and to indemnity the city against any charges for

Powers of mayor and aldermen.

their support, and in case of their inability or refusal to give security, to cause them to be confined to labor for a limited time, not exceeding three months, unless such security shall sooner be given, which said labor shall be designated for the benefit of the city, and for all subsequent offenses of the same kind a like punishment may be inflicted by like proceedings from time to time; to take care of, preserve, remove, designate and regulate all burying grounds within the city; and to pass all such resolutions, by-laws and ordinances as they may deem necessary and proper for the good government of the city, not contrary to the laws of the State, and to carry into effect the powers conferred by law on the said mayor and aldermen ; to license such business and vocations as are now licensed by the State, and to impose and collect the licenses.

SEC. 14. Be it further enacted, That said board of mayor and aldermen shall have full power and authority, and it is hereby authorized to purchase, and provide for the payment of all necessary grounds in lots for the erection of public school buildings, city prisons, city offices, and such other buildings as may be necessary for the use of the city; to erect and contract for the building of public school buildings, city prisons, city building for city offices, market houses, and any and all such other buildings as may be necessary for the use of said city, and to provide for the payment of the same.

SEC. 15. Be it further enacted, That the board of mayor and aldermen may elect a city marshal, clerk and treasurer of said city, and such other officers as they may think and see fit for the good government of said city, and to carry out the powers herein granted ; City officers and may prescribe the duties of such officers and their liabilities and powers, and may require them to give bond in such sum as they see fit for the faithful discharge of their duties, and may discharge or remove any of its officers or employees at pleasure, and fix the salaries of the same. For any breach of the bond of such officers suit may be brought in the circuit court of Talladega county, Alabama, or before any court having Jurisdiction, and such suits shall be governed in the same manner as other like suits. The city clerk shall keep a regular record of all proceedings, orders,

regulations, resolutions and ordinances of the board, which shall be read to the board, and signed by the mayor or acting mayor, when approved by the board, and the same shall have the force and effect of a record, and a copy thereof certified by the clerk shall be prima facie evidence in any court of record or elsewhere, and said record shall at all times be open for inspection.

SEC. 16. Be it further enacted, That the marshal have in said city all the powers of constable under the laws of this State, and be entitled to all the fees of such constable. He shall possess, within the limits of said city, all the powers of a peace officer ; he shall execute the orders, notices and processes of the board, or of the mayor, and shall have power, if the board so ordain, to make arrests either with or without a warrant; and he shall perform such other duties as the board may prescribe : Provided, he shall not be compelled to execute any process as constable or to perform any of the duties of constable, except by order of the board or of the mayor or acting mayor; he shall also be ex-officio tax collector of said city. For his services as such marshal he shall be entitled to such compensation in stated salary, or fees, or both, as the board of mayor and aldermen may from time to time prescribe.

Marshall.

SEC. 17. Be it further enacted. That the mayor shall possess, within the corporate limits, all the powers and jurisdiction of a justice of the peace, in civil and criminal cases, and be subject to all corresponding duties and responsibilities, and for his services ill such cases, shall be entitled to the fees which may be by law allowed to justices of the peace, and his signature or act as a mayor in such cases, shall be of equal force as if done by him expressly as a justice ; the party desiring it, may take an appeal or certiorari to the circuit court for the county of Talladega under such rules and regulations as arc or may be prescribed by the laws of the State, for certiorari or appeal from the judgment of a justice of the peace ; he shall, moreover, as mayor, have exclusive original jurisdiction to hear, adjudge or determine suits, prosecutions or other proceedings for the violation of the charter, ordinances or by-laws of the corporation ; he shall have jurisdiction of all proceedings by motion, scire facias, or other suit, any penal bonds payable to mayor, or to the mayor and aldermen, taken under this act or the ordi-

Mayor.

nances of this corporation, including proceedings and suits against the officers of this corporation and the sureties on their official bond ; for non-payment of taxes or other moneys collected or received, or for other delinquencies or defaults in office, and upon the judgment of the mayor, or in any case in any branch of his jurisdiction as mayor or as justice, execution or appropriate process may be issued by the clerk of the corporation, directed to and be executed by the marshal, which shall have the force and effect of an execution or appropriate process, as the case may be, from any of the circuit courts of this State, and shall be executed by the marshal in the same manner as executions of other process, as the case may be, for such circuit courts, and from any judgment or decision of the mayor, as such, the party desiring it may take an appeal to the circuit court of Talladega. county, on giving bond with the sufficient securities, to be approved by the mayor, in twice the amount of the judgment or fine, and conditioned to prosecute the appeal to effect, and to satisfy such judgment as the said circuit court may render in the premises; but unless said appeal bond be given within five (5) days from the date of such judgment or decision, then no appeal shall be allowed from the same. The proceedings in such appeal shall be such as are or may be prescribed by law in cases of appeal from justices of the peace.

SEC. 18. Be it further enacted, That it shall be the duty of the mayor to see that the laws are duly executed. He shall hold court as often as it shall be necessary for the trial of offenders against its laws and ordinances, and punish all such offenders by fine not exceeding one hundred dollars and by imprisonment or by hard labor on the streets not exceeding sixty days, or either at his discretion, and shall hear and determine all other causes brought before him; he shall report to the board the negligence, incapacity or misconduct of any officer of the corporation ; he shall recommend from time to time, in writing, such alterations in laws of the corporation or measures for its good government or interests, as he may deem necessary and proper; he may, in case of the disturbance of the peace or invasion or insurrection, or whenever in his opinion, the peace and security of the city requires it, call on the sheriff of the county for aid in preserving the peace, by the use of all the means which the law confers

Mayor's court.

on the sheriff as a peace officer; and the mayor may also call in the volunteer and militia companies in the city for its defense ; he shall preside at all meetings of the board when present ; he shall perform all other duties as the board may prescribe, and shall have authority while holding his court, to punish any contempt of his court by fine and imprisonment, or both, but the imprisonment for such contempt shall not exceed twenty-four hours, and the fine shall not exceed twenty-five dollars.

SEC. 19. Be it further enacted. That the city clerk may also be appointed by the board of mayor and aldermen, who shall keep a regular record of the proceedings, orders, regulations and ordinance of the board, which shall be read and signed by the mayor or presiding chairman, and the same shall have the force and effect of a record; and a copy therefrom, certified by the clerk, shall be prima facie evidence in any court of record or elsewhere; and said record shall be at all times open for inspection.

Clerk.

The clerk shall also keep a docket of all cases instituted before the mayor, and noting and endorsing the orders, judgments, &c., therein and the dates of the issuance and delivery of original and final process, to whom delivered, and the return thereon, or the substance thereof; and in another book he shall keep a record or minute of the orders, judgments, &c., in all causes before the mayor as such. He shall keep a separate docket or minute book of the causes instituted before the mayor as a justice of the peace, which shall be kept in the same manner as before provided, in reference to the cause before the mayor as such, and the said clerk shall make full indexes, direct and reverse, for all the said books, and he shall keep and preserve a regular file, as well as all papers in all suits or causes before the mayor as such, or as a justice of the peace as all other papers belonging to the board; and the said dockets, records, indexes and files shall be open for public inspection, under such rules and regulations as the board may prescribe, and the said clerk shall perform all such other duties as the board directs.

SEC. 20. Be it further enacted, That a majority of the aldermen shall constitute a quorum; and in the absence of the mayor at any meeting of the board, any

alderman selected by a majority of those present, shall preside a8 mayor pro tempore, and as such shall, for the time being, exercise all the powers and discharge all the duties as mayor. A majority of the quorum may pass all ordinances and by-laws necessary and proper to carry into effect the powers conferred on the city of Jenifer, by this charter and by the laws of the State. All ordinances and by-laws for said city shall be presented to the mayor and aldermen acting as mayor, for his approval, and if he approves it, he shall endorse on the back, "approved," and sign his name thereto, and thereupon it shall become a law, and if he should not approve it, he shall return it with his objections to the board, and at its next regular meeting in case of his non-approval, or failure to return the same as aforesaid, a vote of two-thirds of the aldermen in favor of the ordinance or by-law shall make it a law. Aldermen.

SEC. 21. Be it further enacted. That the mayor and aldermen shall have full power and authority to prohibit and prevent the erection or construction of all kinds of wooden or other buildings or structures except those erected or constructed of brick, stone, or safe and fireproof building materials, and the same be covered with slate or metal or other fireproof material within such portions and limits of the city as they may deem best for the safety of the same, and shall have power to fix and prescribe such fines and penalties as may be deemed proper to carry into effect, the powers conferred in this and collect the same as other fines and penalties. Mayor and aldermen.

SEC. 22. Be it further enacted. That the said mayor and aldermen shall have authority to levy taxes on the real and personal property within said city, except such as may be exempt from taxation under the laws of the State of Alabama or the United States on itinerant or other transient persons, merchants or traders, or any business, profession, trade or calling, carried on in the city, and on all other subjects of taxation within said city, on which State and county taxes are now levied, or on which may hereafter by law be levied State taxes; Provided, however, that no taxes shall be levied upon sales under judicial proceedings or by executors, or administrators, or guardians, under deed of trust or mortgage for security or payment of debts. Taxes.

SEC. 23. Be it further enacted. That the said tax on real and personal property shall not in any one year exceed one half of one per centum on the value of such property, and shall be levied according to assessment and valuation of the property taxed made by the city tax assessor under such rules as the mayor and aldermen may prescribe, which said assessment and valuation the mayor and aldermen shall have authority to revise and correct as they may deem just and proper in making assessments.

SEC. 24. Be it further enacted. That the said mayor and aldermen shall have authority to assess and collect annually on each male inhabitant residing in said city, between the ages of twenty-one and forty-five years of age, a special tax of not exceeding three dollars, as a street tax; Provided, that any person liable for such street tax may relieve himself of the same by working on the streets of said city, under the direction and control of a street superintendent or other officer appointed by the mayor and aldermen for the purpose; and they may provide such penalty for the failure to pay such street tax as is now provided by law for failure to work the roads in Talladega county. The inhabitants of said city are exempt from working on the roads and highways out of the said city.

Street tax.

SEC. 25. Be it further enacted, That full power and authority is hereby given to said mayor and aldermen to establish such rules and regulations not inconsistent with this act for the assessment and collection of the taxes authorized by this act as they may deem expedient, and to provide and employ all lawful means and proceedings to enforce and collect the same and to impose such fines and penalties, subject to the instruction hereinbefore expressed for the violation of these ordinances in reference to the taxes and revenue of the city, as they deem expedient and proper ; Provided, that the powers conferred by this section shall not extend for any mistake, fraud or default in the assessment or levy of taxes.

Collection of taxes.

Said mayor and aldermen may, if they deem it necessary and expedient set aside such assessment and levy in whole or in part according to circumstances, and direct a new assessment or levy, in whole or in part, as the case may be.

SEC. 26. Be it further enacted, That all the taxes assessed or levied in pursuance of the authority conferred by this act, shall have the force and effect of a judgment and execution at law, and shall constitute a ten on the property assessed, and on all other property within the limits of said city, of the party against whom the same are assessed or levied, and the person appointed to collect such taxes must on failure to pay, collect the same by levy and sale of the property of the person to whom assessed, and if assessed to an unknown owner, by a sale of the property for a non payment of the taxes ; such sale must be after thirty days notice by advertisement in a newspaper published in said city, or by posting notice of the time and place of such sale at three public places in said city. The person appointed to collect such taxes shall make such sales under such rules and regulations as the board shall prescribe, and shall give to the purchasers of any real estate so sold a certificate of purchase in such form as the mayor and aldermen may prescribe, which certificate shall be prima facie, evidence of the facts therein stated, and also that the requirements of the law in reference to the levy and assessments of the taxes, and sale of the property have been complied with; Provided, however, That real estate sold for the payment of taxes, under this act, may be redeemed at any time within two years of the sale, on payment of the amount for which such property was sold, with interest at the rate of ten per centum per annum, and all taxes which have accrued; and if the purchaser does not reside within the limits of the corporation the same may be redeemed by payment made into the corporation treasury for the benefit of the purchaser; and infants, lunatics and married women shall be allowed one year after their respective disabilities are removed for the redemption of their real estate, and upon such payment or deposit being; made within the period allowed for the redemption thus created by such sale and certificate, shall cease and determine, and the purchaser, claiming under him, as the case may be, shall relinquish possession ; on a failure to do so, he shall be liable for an unlawful detainer.

Tax sales

Redemption of real estate.

SEC. 27. Be it further enacted. That all laws and

parts of laws in conflict with the provisions of this act, be and they are hereby repealed.

Approved February 28, 1889.

No. 552.] AN ACT [H. B. 640.

To amend section eight of an act to incorporate the inhabitants and territory formerly embraced within the corporate limits of the municipal corporation (since dissolved) styled the city of Selma, and establish a local government therefor, approved February 17, 1883.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the eighth section of the act to incorporate the inhabitants and territory formerly embraced within the corporate limits of the municipal corporation (since dissolved) styled the city of Selma, and establish a local government therefor, approved February 17, 1883, be so amended as to read as follows: Section 8. Be it further enacted, That the first election for municipal officers elected by the people under this charter shall be held on the first Monday in May, A. D., 1883, and on the first Monday in May biennially thereafter, and the polls at such elections shall be opened between the hours of 8 and 9 A. M., and be kept open until the hour of 5 P. M., and the officers elected at such elections shall hold their several offices for the term of two years, and until their successors are duly elected and qualified; Provided, however, that of the councilmen elected at the election held on the first Monday in May, 1889, one from each ward shall be elected for and hold his office for the term of two years, and one from each ward shall be elected for and hold his office for the term of four years, and until their successors are duly elected and qualified, and that at each said biennial election thereafter held, one councilman shall be elected from each ward, and the councilmen so elected shall hold their several offices for the term of four years, and until their successors are duly elected and qualified.

Term of councilmen.

Approved February 28, 1889.

No. 553.] AN ACT [H.B.781.

For the relief of the tax collector of Mobile county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the State auditor, in his settlement with E. B. Lott, tax collector of Mobile county, for State taxes due from said collector for 1888, be and he is hereby authorized and required to credit the account of said tax collector with the sum of five hundred and eighty dollars and eighty-six cents, the sum of money on deposit for account of taxes collected for the State with the banking house of Thomas P. Miller & Co., and lost by the failure of said firm in Mobile, March 27, 1888, the county of Mobile having remitted its loss of like character sustained by said failure. Relief.

SEC. 2. Be it further enacted. That nothing contained in this act shall be so construed as to prevent the State from receiving any dividend which may hereafter be paid for account of said loss by the assignee of said firm.

SEC. 3. Be it further enacted. That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 28, 1889.

No. 554.] AN ACT [H. B. 515.

For the relief of Lewis R. Powell.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Lewis R. Powell and Sarah Powell be and they are hereby divorced, and the bonds of matrimony heretofore existing between them is hereby dissolved.

SEC. 2. Be it further enacted. That the marriage between Lewis R. Powell and Fannie Windsor be, and the same is hereby declared a legal and valid marriage, and the children heretofore or hereafter born to them, be and they are made their lawful heirs, with the right to inherit from their said parents or either of them. Relief.

Approved February 28, 1889.

No. 555.] AN ACT [H. B. 577.

To regulate the trial of misdemeanors in Shelby county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county court of Shelby county shall have jurisdiction of all misdemeanors committed in said county.

SEC. 2. Be it further enacted. That at the April term, 1889, of the circuit court of said county, it shall be the duty of the presiding judge thereof, upon the day of adjournment of said court, to make an order upon the minutes of said court directing and requiring the clerk of said circuit court to deliver to the judge of said county court all indictments then pending and untried in said circuit court against persons charged with the commission of misdemeanors, together with all papers and certified copy of all docket entries and minutes of proceedings had therein in said circuit court, and upon the transfer and delivery of the same, the jurisdiction of the said circuit court shall cease, and exclusive jurisdiction shall vest in said county court.

Duty of circuit judge.

SEC. 3. Be it further enacted. That prosecutions may be instituted or commence in said county court as is now provided by law in county courts to be thereafter subject to the provisions of this act.

Prosecutions.

SEC. 4. Be it further enacted. That the clerk of the circuit court shall be ex officio clerk of the county court, and the practice and proceedings therein shall conform to the practice and proceedings of the circuit court of the State except as herein modified.

Clerk.

SEC. 5. Be it further enacted, That the assistant or county solicitor, appointed by the circuit solicitor, shall prosecute all cases of misdemeanors tried in the county court, and for such services shall receive the same compensation as is now provided by law.

Solicitor.

SEC. 6. Be it further enacted. That the time and place of holding said court shall be the same as now provided by law.

SEC. 7. Be it further enacted. That every person charged with the commission of a misdemeanor, either by complaint or indictment, shall be entitled to a trial by jury upon demand, and in all other cases no jury shall be

Jury trials.

empanelled, and the Judge of the county court shall proceed to hear and decide the same ; Provided, that nothing herein contained shall interfere with the right of the accused to appeal after conviction to the supreme court.

SEC. 8. Be it further enacted. That when a person accused of a misdemeanor shall desire a trial by jury, he shall make demand therefor to the judge of the county court at least three days before the day set for the trial of said cause, and it shall be the duty of the said judge to draw from the jury box the names of twelve householders or freeholders and deliver a list of the same to the sheriff, unless a jury has already been drawn and summoned, and the sheriff shall, without unnecessary delay, summons the men whose names have been delivered to him by the said judge, to appear at the time and place of said trial, from whom a jury of seven men shall be empanelled as in the circuit court, and the trial proceeded with, except as altered by this act, the same as is now provided by law for like cases in circuit court.

SEC. 9. Be it further enacted, That whenever a jury is summoned and empanelled under the provisions of this act to try any case pending therein for trial, the judge of the county court may, when in his judgment the business of the court, demands it, after the trial of the case for which they were summoned, retain said jury for the trial of any other case pending at that time in which a jury trial may be demanded, until all the business of the term is disposed of; Provided, that this act shall not interfere with the rights of challenge as now provided by law, and that tales jurors may be summoned in all cases in said court when found necessary be complete the jury.

SEC. 10. Be it further enacted, That all indictments for misdemeanors that may hereafter be preferred by the grand juries of said county must be returned by the clerk of said circuit court to the judge of said county court, and be by the clerk of said circuit court as ex officio clerk of the county court, filed in said county court. Processes must be issued by said clerk under said indictments, and prosecutions commenced by affidavit and indictment, and all proceedings had in such cases as is now had in the circuit court, except such as may be modified herein. Indictments.

SEC. 11. Be it further enacted. That all fees paid to the clerk and sheriff for services rendered in said

Fees. county court, shall be the same as those now allowed by law for similar services in the circuit court.

SEC. 12. Be it further enacted. That all appeals by defendants from trials in criminal cases for misdemeanors

Appeals. from justices of the peace, or notaries public with the powers of justice of the peace, shall be taken to the county court.

SEC. 13. Be it further enacted. That all appeals from the county court shall be to the supreme court.

SEC. 14. Be it further enacted, That all laws and parts of laws in conflict with the provisions of the statute be and the same are hereby repealed.

Approved February 28, 1889.

No. 556.] AN ACT [H. B. 482

To provide for the election of a mayor and aldermen of the town of Camden, in Wilcox county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate authority of the town of Camden be, and the same is hereby vested in a mayor and six aldermen, who shall be known and designated as the mayor and aldermen of the town of Camden, Wilcox county.

SEC. 2. Be it further enacted. That the said mayor and aldermen shall be elected at the time and in the

Election. manner and for the term prescribed by law for the election of the intendant and councillors of the town of Camden ; and that they shall have all the powers, and be subject to all the liabilities of said intendant and councillors, and be qualified in the same manner; Provided, that this act shall not go into operation until the day for the next election of the intendant and councillors of said town, and that until the election of the said mayor and aldermen, as herein provided, the corporate authority of said town shall continue to be vested in said intendent and councillors.

Approved February 28, 1889.

No. 557.] AN ACT [H. B. 29

To confirm, amend and enlarge the charter of the Bessemer Land and Improvement Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the incorporation and organization of the Bessemer Land and Improvement Company heretofore effected by and under proceedings had in the probate court of the county of Jefferson in this State under the general laws thereof, for the objects and purposes and with the rights and powers set forth in said proceedings be, and the same arc hereby in all respects ratified and confirmed, and all acts of the said Bessemer Land and Improvement Company thereunder are hereby confirmed. Charter.

SEC. 2. Be it further enacted, That in addition to the powers given to the said Bessemer Land and Improvemerit Company and declared and set forth in said proceedings and hereby confirmed, the said corporation shall have and possess all the rights, powers, privileges, franchises and immunities by the general laws of this State conferred on private corporations organized for mining, manufacturing and other industrial business, and all general laws applicable to the said Bessemer Land and Improvement Company. Rights power etc.

SEC. 3. Be it further enacted. That the said Bessemer Land and Improvement Company shall also have full power to lay off its lands into lots and parcels and to lease, sell, donate and convey the same to make sales, donations or loans of its lands or other property, money or effects to individuals or other corporations to invest its funds or property in the capital stock of and become a stockholder in any other corporation formed or to be formed, or in the bonds of such corporations, and to retain or dispose of such stock in whole or in part at pleasure.

SEC. 4. Be it further enacted. That the said Bessemer Land and Improvement Company shall also have full power to do all acts necessary to maintain and operate the system of water works heretofore constructed by them for the use of the city of Bessemer and of the lands and property of said company, and to extend and enlarge the same from time to time as it may deem necessary, drawing its water from any source of water supply to any reservoir or pumping station, and it shall be a misde- Water works.

meanor, punishable by fine or imprisonment, for any person in any way to defile or pollute the waters in any such source, water supply, canal, acqueduct or conduit used or to be used by said company, or to obstruct or in any way damage the same or divert the water therefrom without permission from said Bessemer Land and Improvement Company, or to carry off without permission, break or injure any pipe, cock, valve, machinery or other property that may be used in connection with said water supply, or to take water from any hydrant, cock or other fixture connected with said water works, without permission from said Bessemer Land and Improvement Company, or for any person having charge of any hydrant or water pipe, connected with said water works to allow or permit any other person to take, draw or use water from the same without permission^ from said Bessemer Land and Improvement Company, or for any person by false key or otherwise, after the water shall have been shut off from any premises by said company, to cause the said premises to be again supplied with water from said water cocks without permission from said company.

SEC. 5. Be it further enacted, That the said Bessemer Land and Improvement Company shall have the right, in accordance with the statutes of this State authorizing lands to be condemned by writs of ad quod damnum, to condemn such property rights-of-way or water sources as may be necessary to enable said company, or the corporation organized by it or with its assistance, to successfully construct, erect and operate the said railroads, railways, dummy lines, tramways, gas works, electric light works, water works, telegraph lines, and a system of sanitary sewerage or drainage.

Rights of way.

SEC. 6. Be it further enacted, That the said Bessemer Land and Improvement Company shall have authority to exercise and enjoy any and all of the purposes, powers and franchises herein conferred, either individually or by assisting other persons or corporations in the exercise of such or like purposes, powers and franchises in such manner as said company may deem desirable.

SEC. 7. Be it further enacted, That the said Bessemer Land and Improvement Company is authorized and empowered to consolidate and amalgamate itself with other corporation or corporations by a two-thirds (b) vote of the stockholders of each such corporations, and form,

one general company under such name and style as may be agreed upon, and to issue and apportion the stock of such consolidated corporations as may be agreed upon by said two-thirds (b) of the stockholders in each of said corporations, and to take up, if deemed proper and best, the individual stock of each company and to replace it with stock of the general company in such manner and amounts as may be agreed upon by said two-thirds (b) of stockholders ; Provided, that such amalgamated company shall keep an office in the State of Alabama, and thereupon such general company shall be invested with all the powers and franchises theretofore belonging to each and all of the several corporations so consolidating or amalgamating; Provided, the rights and remedies of creditors shall not be effected thereby.

May consoildate, etc.

SEC. 8. Be it further enacted. That the said Bessemer Land and Improvement Company shall have power from time to time to issue bonds for the payment of money borrowed, or for its indebtedness and to secure the same by mortgages or mortgage on the whole or any part of its property.

May issue bonds.

SEC. 9. Be it further enacted. That all acts heretofore done by the said Bessemer Laud and Improvement Company, not inconsistent with the terms of this act, are hereby confirmed.

SEC. 10. Be it further enacted. That the said Bessemer Land and Improvement Company shall have the right, from time to time, to reduce the amount of the capital stock of the company to any amount not less, than five hundred thousand dollars ($500,000.00) by purchase, gift or voluntary surrender of such stock, and the same, when thus surrendered, to cancel on the books of the company or to reduce the said capital stock by a reduction of the total amount of the same to any amount not less than five hundred thousand dollars ($500,000.00), in which event the company shall have the right to call in all the outstanding certificates of stock at that time being in the hands of the stockholders of the company, and to issue to them, in lieu thereof, certificates for their shares in such reduced capital, in proportion to their holdings in the capital stock of the said company before such reduction was made, and the said company shall have the further right to take and receive its capital stock from holders

Capital stock.

thereof, in payment for real estate purchased from the company, or of debts due to the company, at such rates and in such manner and on such terms as to the company may seem proper, and such stock, when so received, to cancel in the books of the company.

SEC. 11. Be it further enacted, That the powers and privileges hereby granted and herein contained, and all the changes and amendments hereby allowed, shall be conditioned upon the acceptance thereof by the said Bessemer Land and Improvement Company, two-thirds (b) of the stockholders representing three-fourths (b) in value, voting in favor of the acceptance of the charter as hereby enlarged and amended.

SEC. 12. Be it further enacted. That this act shall remain in force until amended or repealed by the general assembly of this State.

Approved February 28, 1889.

No. 558.] AN ACT [H. B. 462

To amend an act entitled an act to establish the city court of Birmingham, approved December 9,1884.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to establish the city court of Birmingham, approved December 9,1884, be and the same is hereby amended so as to read as follows, to-wit:

Section 1, That there is hereby established in and for the county of Jefferson an inferior court of law
Jurisdiction. and equity, which shall be called the city court of Birmingham, which court is hereby clothed with and shall have and exercise all the civil jurisdiction and powers which are now or which may hereafter be by law conferred upon the circuit court of this State ; and is hereby also clothed with and shall have and exercise all the jurisdiction and powers which are now or which may hereafter be by law conferred upon the chancery court of this State; but said court shall not have nor exercise jurisdiction to hear and determine any prosecution or indictment for any crime or misdemeanor, nor shall it have jurisdiction of any appeal

from the judgment or sentence of any justice of the peace in such criminal cases. Said court, except as in this act, or by some rule made and adopted by the presiding judge of said court in conformity to the powers vested in him by this act, when exercising the jurisdiction and powers of the circuit court, shall conform to and be governed by the rules of procedure and practice in the circuit court, so far as the same are applicable; and when exercising the jurisdiction and powers of the court of chancery, shall conform to and be governed by the rules of procedure and practice in the chancery court of this State, so far as the same are applicable. Rules.

SEC. 2. That at the general election to be held in this State in 1892, and every six years thereafter, a judge of said court shall be elected by the qualified electors of the county of Jefferson, whose term of office shall be six years from the date of his election, and until his successor is elected and qualified; but until said election the judge of said court now in office shall continue in office, unless he is removed, resigns or dies, in which event the governor shall appoint a judge of said court to fill the unexpired term. The judge of said court, at the time of his election, shall have been a citizen of this State and of the United States for the period of five years next preceding his election, and shall not be less than twenty-five years of age, and shall be learned in the law; and at the time of his election, and during his continuance in office, such judge shall reside in the county of Jefferson. The judge of said court shall take the oath of office required by law to be taken by the judges of the circuit court before entering upon the discharge of the duties pertaining to said office; and he may be impeached or removed from office for the same causes by the same tribunals, and in the same manner as is provided by law for the impeachment or removal from office of judges of the circuit court. Such judge shall have and exercise all the jurisdiction and powers which are now, or which may hereafter be lawfully exercised by judges of the circuit court and chancellors of this State, including authority to issue writs of injunction, prohibition, ne exeat, and all other writs which are now, or which may hereafter be lawfully issued by judges of Judge; election of, duties, etc.

the circuit court and chancellors of this State. Vacancies in the office of such judge shall be filled by the governor; and any person appointed to fill such vacancy shall continue in office during the unexpired term of his predecessor, and until his successor is elected and qualified.

SEC. 3. That a clerk and register of said court shall be appointed by the judge thereof, who shall hold his office during the term of the judge appointing him, unless sooner removed. Such clerk and register may be removed fur such causes, and in such manner, as is or may be hereafter provided by law for the removal of clerks of the circuit court, or for any cause which, in the opinion of said judge, may be sufficient for his removal ; in case of his removal the cause thereof must be specified in the order removing him. Before entering upon the discharge of the duties pertaining to his office, such clerk and register shall give bond, with sureties, to be approved by the judge of said court, in a sum not less than five thousand dollars, to be fixed by said judge, which bond must be made payable and be conditioned, filed and recorded as required by law in case of bonds of clerks of the circuit court. Such clerk and register shall have all the powers, and perform all the duties which may be now, or which may hereafter be lawfully exercised or performed by clerks of the circuit court and registers in chancery in this State, including the power to issue attachments, and all other extraordinary process. The fees of such clerk and register shall be the same as those now allowed, or which may hereafter be allowed by law in like cases and for like services to clerks of the circuit court and registers in chancery; and he and the sureties on his official bond shall be subject, when he is acting as clerk on the law side of said court, to the same liabilities and penalties as clerks of the circuit court and their sureties are now or may hereafter be subject by law; and when acting as register on the equity side of said court, he and his sureties shall be subject to the same liabilities and penalties as registers in chancery, and their sureties are now, or may hereafter be subject by law; such liabilities and penalties to be enforced by the same remedies and in the same manner as the like liabilities and penalties of and against clerks of

Clerk and register.

the circuit court and registers in chancery are now or may hereafter be by law enforced. Such clerk and register, at the time of his appointment, and during his continuance in office, shall reside in the county of Jefferson.

SEC. 4. Said court shall be held, and the office of the clerk and register thereof, and the records of said court, shall be kept at the court house of said county. Said court shall hold one regular term in each year, commencing on the first Monday in September, and ending on the last day of the succeeding June, unless said last day be on Sunday, and then on the day next preceding; and said court may hold special or adjourned terms, when, in the opinion of the judge of said court, such special or adjourned terms may be necessary for the proper transaction of the business of said court; but of such special terms only ten days notice shall be required; Provided, that the change of terms of said court shall not go into effect or be operative until the first Monday in September, 1889 ; but until that time, the terms of said court shall be governed by the original act of which this is an amendment ; Provided further, however, that said court shall not be held during the months of July and August, 1889, unless the judge thereof calls a special or adjourned term for said months or either of them. During the regular terms of said court the judge thereof may take such recess or recesses as to him may seem proper, and as may be consistent with the business before said court. Said court shall adopt and keep a seal, winch shall be and remain in the custody of said clerk and register. The judge of said court shall have power to make and adopt such rules of practice as, in his opinion, may be required by a proper system of city practice, and to amend the same as may be expedient ; such rules to be entered of record upon the minutes of said court, and may be changed or annulled by the supreme court of the State.

Term of court.

SEC. 5. That in all cases commenced in said court by summons and complaint, the defendant shall be required to appear and demur or plead to the complaint within thirty days after the service of the summons and complaint upon him, whether such service be made in term time or vacation; and in all cases at law

commenced by attachment, the defendant shall appear
Time to demur irand demur or plead within thirty days after the levy
or plead. of the attachment and service of notice thereof, or in case the suit is against a non-resident or other person upon whom service may be had by publication, within thirty days after service is perfected by such publication ; and in all other cases at law the defendant must appear and plead or demur within thirty days after perfection of service upon him ; and in all cases at law, whether commenced by summons and complaint, attachment, or otherwise, any defendant failing for more than thirty days after service has been perfected upon him to appear and demur or plead, shall be held to be in default, and at any time thereafter judgment by default, on motion of the plaintiff, may be rendered against him ; Provided, however, that the court may, for good cause shown, allow such judgment so obtained by default to be set aside, and demurrer or pleas to be filed on such terms as the court may think just; but no application to set aside such judgment, unless it be for some reversible error committed in the rendition thereof, shall be entertained by the court, unless accompanied by an affidavit by the defendant or his agent or attorney to the effect that in the belief of the affiant the defendant has a lawful defense to such suit.

SEC. 6. That all garnishments issued from said court shall require an answer thereto within thirty days after the service thereof; and upon the failure of any garnishee to make answer within such thirty days, he shall be deemed in default, and a judgment nisi may be rendered against him upon motion of the plaintiff, if the plaintiff is otherwise entitled to such judgment nisi; and, unless otherwise ordered by the court, all citations, rules, scire facias and notices issuing from said court shall require the party against whom they are issued to appear and plead within thirty days after the service thereof, or if the citations or notices are to be given by publication, within thirty days after the perfection of service by publication; and all cases, whether commenced by summons and complaint, attachment, or otherwise, shall be deemed and taken to be at issue and triable upon the appearance of the defendant and his pleading to the plaintiff's complaint, petition or other pleading, or if he does not appear

within thirty days after the perfection of service upon him, at the end of such thirty days.

SEC. 7. That all original and mesne process, notices, citations and scire facias, shall be executed instanter, and, unless otherwise provided by law, shall be returned immediately upon the execution thereof by the officer executing the same; and all executions, fieri facias, and venditioni exponas, issuing from said court shall be made returnable ninety days after the issue thereof. Returns

SEC. 8. That all cases brought by appeal or certiorari from justices of the peace or other inferior courts to said city court, shall stand for trial when reached on the regular call of the docket at any time after thirty days' notice of the taking of such appeal shall have been given to the adverse party, as required by law. Appeals.

SEC. 9. That in all cases at law in said court, whether commenced by summons and complaint, attachment, or otherwise," the issues and questions of fact shall be tried by the court without the intervention of a jury, unless a jury be demanded by the plaintiff at the commencement of the suit, or by the defendant at the time he appears, or by any other person interested in such issue or question at the time he appears ; such demand must be made by the plaintiff or party occupying the position of plaintiff by indorsing the same in writing upon the summons and complaint, attachment, petition, claim, or other paper filed by him for the purpose of instituting such suit, or when he intervenes without suing out process, upon the pleading or paper filed by him 'for the purpose of presenting such issue or question of fact; and by the defendant or other party occupying the position of defendant, including garnishees, by indorsing such demand in writing upon the demurrer, plea, answer, or other pleading filed by him, and when a cause is transferred to said court from the circuit court, it shall be tried by the court without a jury, unless at the time of the application made for such transfer a demand for a trial by jury be made in writing and filed in said cause ; and in all cases brought by appeal or certiorari from judgments of justices of the peace or other inferior tribunals, the issues and questions of fact shall be tried by the court without a jury, unless a demand for a trial Jury trials

by jury be made in writing and filed in the cause by the party taking the appeal at the time he takes the same, or by the opposite party within ten days after he has been served with notice of the appeal.

SEC. 10. That jurors for the trial of causes at law in said court shall be drawn, summoned and empanelled in the same manner as is now or will hereafter be provided by law for drawing, summoning and empanelling jurors in the circuit court of this State, except that the clerk and register of said city court shall be charged with and shall perform the same duties as are prescribed by law for the clerk of the circuit court relative to drawing, summoning and empanelling jurors in said city court; and venires for such jurors shall be issued thirty days before the day upon which said jurors are drawn to serve, and in the same manner as they are issued in and for the circuit court; and the said city court shall have the same power as the circuit court to issue special venires, and to summon, swear and empanel tales jurors; Provided, that the judge of said city court shall have the power to direct for what weeks of the term jurors shall be summoned.

Jurors.

SEC. 11. That in the trial of any cause at law in said court, in addition to the questions which may be, under existing laws, presented to the supreme court of the State for review, either party may, by bill of exceptions, also present, on appeal for review, the conclusions and judgments of the court upon the evidence; and the supreme court shall review the same without any presumption in favor of the court below on the evidence, and in such case. if they find that there is error, they shall render such judgment in the cause as the court below should have rendered, or reverse and remand the same for further proceedings as to the supreme court shall seem right.

Appeals.

SEC. 12. That appeals or certioraris may be taken to said city court from the judgments of justices of the peace or other inferior courts in the county of Jefferson, in all civil cases in which appeals or certioraris may by law be taken from such judgments to the circuit court of said county, and in the same manner.

SEC. 13. That the supreme court of this State shall have appellate and supervisory jurisdiction over said city court and the judge thereof, which may be exercised in

the same manner and in the same cases as such jurisdiction may be exercised over the circuit court or the judges thereof ; and appeals may be taken from the judgments, orders and decrees of said city court to the supreme court in the same manner, within the same time, and in the same cases as appeals arc taken from judgments, orders or decrees of the circuit court to the supreme court.

SEC. 14. That the venue in any cause in said city court may be changed to other counties than Jefferson under the same rules and regulations as govern changes of venue in the circuit court. Cases that are now or may hereafter be pending in the circuit court of Jefferson county may be, by consent of the parties thereto, transferred to the said city court, which court shall thereupon proceed and dispose of the same as if they had originally been instituted in said city court; and in like manner cases may be transferred from the city court to the circuit court by consent of the parties thereto ; and the clerk of the court from which said causes shall be so transferred shall deliver all the papers, pleadings and evidence pertaining to said causes, together with a certified transcript of all minute entries made therein, to the clerk of the court to which said causes shall be transferred.

Venue.

SEC. 15. That after ten days from the rendition of any judgment, unless otherwise directed in said judgment, the clerk and register of said city court shall issue : execution, returnable as hereinbefore provided; Provided, however, that nothing herein contained shall prevent any person from having execution issued within said ten days, upon making affidavit as now provided by law, in relation to the issue of execution upon judgments in the circuit court; And provided further, that nothing herein contained, shall prevent the superseding of executions after the issue thereof, upon filing bond as now required by law.

Executions.

SEC. 16. That the salary of the judge of said court shall be three thousand five hundred dollars per annum, and the same shall be payable monthly, on the last day of each month at the treasury of the county of Jefferson, upon the order of said judge, and the same shall be a preferred claim against said county, and receivable in payment of taxes due the same.

Salary of judge.

SEC. 17. That the sheriff, coroner and constables of the county of Jefferson, shall be required to attend

said city court, preserve order, and execute and return its process, and perform other duties, as required by law in all respects as in the circuit court; and the fees of said officers for services rendered, and the compensation of jurors and witnesses in said city court, shall be the same as are now or may hereafter be allowed by law for like services in the circuit court; and such officers, and the sureties on their bonds, and jurors and witnesses, shall be subject to the same penalties and liabilities, to be recovered by the same remedies and in the same manner as when acting under the authority of the circuit court.

Fees, etc.

SEC. 18. That all laws of a general nature now in force or that may be hereafter enacted giving jurisdiction to the circuit and chancery courts in other than criminal cases, shall be held to extend and apply to the said city court, although the said city court may not be mentioned therein, unless the contrary be expressly provided, and unless they are contrary to the provisions of this act or to the rules of practice which the judge of said city court may adopt under this act.

SEC. 19. That all bills of exceptions relating to the trial of causes in said court must be signed by the presiding judge of said court within sixty days after the day on which the issue or issues of fact to which said bill of exceptions relates was tried, unless the time for signing such bill of exceptions is extended by agreement of parties or by order of the presiding judge, as now authorized by law, respecting the signing of bills of exceptions in the circuit court.

SEC. 20. That final judgments and decrees rendered, in said court shall, after the expiration of thirty days from their rendition, be taken and deemed as completely beyond the control of the court, as if the term of said court at which said judgments and decrees are rendered, had ended at the end of said thirty days; Provided, however, that nothing herein contained, shall prevent parties from applying for new trials or rehearings within said thirty days, or destroy or change the effect of motions for new trials or rehearings when so made, or shall prevent parties from applying to said court for a rehearing under the statute authorizing applications for re-hearing in the circuit court, or shall prevent the court from re-trying any cause under sec-

Final, judgments, decrees etc.

tion 2871 of the Code of Alabama, or shall prevent the court from the exercise of any power or jurisdiction conferred upon the circuit court touching final judgments, or the chancery court touching final decrees.

SEC. 21. That all witnesses in attendance upon said court must prove their attendance within five days after the termination of the trial of the cause in which they were subpoenaed or called to testify; and unless they prove their attendance within that time, their fee shall not be taxed as cost, nor shall they be recoverable against either party. Witness fees.

SEC. 22. Be it further enacted, That said act establishing the said city court, as it now reads, and all laws and parts of laws in conflict with the provisions of this act, except as is herein otherwise provided, be and the same are hereby repealed; Provided, however, that nothing herein contained, shall prevent the said city court from trying and disposing of any and all criminal cases that may be now pending and undetermined in said court; but as to such cases, said court shall have the jurisdiction and powers conferred upon it by the act of which this is an amendment, Repeal, etc.

Approved February 28. 1889.

No. 559.] AN ACT [H. B. 349

To authorize the Mobile Street Railway Company to establish and operate one or more public parks or gardens at the places therein designated, and to provide for the protection of the employes and visitors while thereat, or going to or returning therefrom.

SECTION 1. Be it enacted by the General assembly of Alabama, That the Mobile Street Railway Company, its lessees, successors and assigns, are hereby authorized to maintain and conduct the park already established at Spring Hill, near the present terminus of the Mobile and Spring Hill Railroad, and to establish and conduct one or more other parks or gardens at Spring Hill, or on or near the line of said Mobile and Spring Hill Railroad, and to sell coffee, tea, milk, soda water, Privileges of street railway.

beer, ale and porter at said park or parks, and to have thereat theatrical performances, concerts, lectures, open air sports or other lawful amusements, for which an admission fee may be charged; and also to establish and maintain at said parks, or in the neighborhood thereof, bath houses, for the use of which a charge may be made; Provided, that no beer, ale, porter, whisky, brandy, wine, gin or other spirituous liquors shall be sold within two miles of Spring Hill College, at said parks, or either of them; And provided further, that said company shall pay a license of fifty dollars per year to the State, for each and every said park; and in case any beer or other malt liquors are sold at any such parks, the said company shall be required to take out a regular beer license, in addition to the license aforesaid, and in case vinous or spirituous liquors are sold, they shall take out such regular liquor license as may be from time to time prescribed by law.

SEC. 2. Be it further enacted, That the said company may make and enforce such reasonable rules and regulations for the proper policing of its said parks or gardens, as are in accordance with the laws of the State of Alabama, and shall be permitted to remove therefrom any disorderly, boisterous, drunken, lewd, mischievous or other improper person, or any one violating the reasonable rules and regulations of the managers of said park; and the manager of said park and his assistants, and the conductors of the street cars and railway trains of said Mobile and Spring Hill Railroad, shall be conservators of the peace and as such shall have all the powers pertaining to constables and police oflicers of tlie city of Mobile.

Police powers.

SEC. 3. Be it further enacted, That any person creating any disorder, or knowingly violating any of the reasonable rules or regulations of said company, or who shall fail or refuse to leave said grounds when requested for proper cause to do so by the park manager, or his assistants, or who shall willfully injure or destroy any of the furniture, structures, trees, shrubs or other property belonging or appertaining to said park, or who shall make any disturbance or be guilty of any lewd or licentious conduct or behavior within said park or parks, or on the public road bounding said, or in the immediate vicinity thereof, or upon the cars of the Mobile and Spring Hill Railroad going thereto or returning therefrom, shall be

Penalty.

guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding one hundred dollars, and in default of payment of such fine and the costs of the prosecution, may be imprisoned in the county jail or sentenced to hard labor for the county ; but any conviction under this act shall not prevent the said party from being prosecuted for any higher offense which may be involved in the act for which he was so convicted. Jurisdiction to try such misdemeanors is hereby conferred upon the justice of the peace of the precinct in which such park may be situated, as well as upon the mayor and justices of the peace within the limits of the city of Mobile.

Approved February 28, 1889.

No. 560.] AN ACT [H. B. 926

To constitute the city of Gadsden a separate school district.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporate limits of the city of Gadsden, Alabama, as they now or hereafter may exist, shall constitute a public school district separate and apart from the remaining school districts of Etowah county, and shall be known as the Gadsden Public School District. School district.

SEC. 2. Be it further enacted, That the city council of Gadsden and their successors in office shall constitute a board of trustees for said school district, who shall as soon as practicable proceed to establish and control said public school district under the regulations hereinafter set forth. Trustees.

SEC. 3. Be it further enacted, That the said city council shall have the power to buy and lease lands for the purpose of building school buildings, or lands with school buildings thereon, to be used for school purposes, taking the deeds to themselves, and their successors, and also to purchase, erect and furnish school buildings.

SEC. 4. Be it further enacted, That said city council are authorized to establish and locate the number of public schools to be taught each year within said school district, and elect trustees for the same, whether for males or females, white or colored, and perform all other duties

necessary to the proper regulation and maintenance of such schools.

School funds.

SEC. 5. Be it further enacted, That the Gadsden public school district shall receive its proportionate share of the public school revenue, including its pro rata share of the sixteenth section fund, and shall also receive all the tax collected as poll taxes within the limits of said school district for the use and maintenance of the public schools therein, in the same manner as county superintendents receive school funds. All moneys collected or received by the city of Gadsden for school purposes pursuant to this act, shall be paid over to the treasurer of said city and be kept by him separate and apart from all other funds of the city, and shall be paid out only on warrant in favor of the city superintendent of schools drawn by the clerk of said city on a resolution or ordinance of said city council. And the city council shall require a separate bond from the city treasurer for the safe keeping of said funds in such sum and with such condition and security as they may prescribe, and payable to said city council and their successors, which bond shall be filed with the city clerk, and shall be renewed from time to time as said city council may direct.

Special tax.

SEC. 6. Be it further enacted, That a tax of one-fifth of one per cent in addition to the per cent of tax levied by the State for State purposes, shall be levied by the tax assessor of Etowah county on all property taxed by the State within the limits of said Gadsden school district for public school purposes, and shall file such assessment with the treasurer of said city of Gadsden at the same time and manner he files his assessments for State and county taxes with the probate judge of Etowah county. And the tax collector of Etowah county shall collect said taxes in the same manner as he collects the taxes for the State and county, and the same remedies shall be used and employed by him for collecting such taxes as are granted under the general law for collecting taxes for the State and county. The same power and jurisdiction as to this matter being granted and conferred on the probate judge and probate court of Etowah county to issue execution and condemn property, as they have in collecting and enforcing liens for State taxes. And said tax assessor and collector shall be allowed the same rate of commission for assessing and collecting such taxes

as are allowed for assessing and collecting State taxes. And said tax collector shall pay over said taxes as he collects them to the city treasurer of Gadsden, taking his receipt therefor, and the tax assessor and tax collector shall be required to make settlements for such taxes with the city authorities of Gadsden, as they arc required to make with the commissioners court of Etowah county for State and county taxes. And the same liability and remedies shall attach to their bonds for any default and dereliction of duty in this behalf as are given the State and county on their bonds for like default and dereliction.

SEC. 7. Be it further enacted, That said city council shall have power to elect a superintendent of the public schools of said district, who shall hold his office for two years. Such superintendent, before entering upon the duties of his office, shall take the oath of office prescribed by law, for such officers in this State, and shall give bond with security in such sum as may be fixed by said city council and their successors, and conditioned as all other official bonds. Said bond shall be approved by said city council and filed in the office of the clerk of said city, and a certified copy thereof shall be filed with the State superintendent of education. All funds drawn by the city clerk by direction of said city council as heretofore provided, shall be received from the city treasurer by such superintendent on such warrants, and disbursed and accounted for by him in like manner, as is required by county superintendents.

Superintend'nt

SEC. 8. Be it further enacted, That said superintendent of public schools of the Gadsden School District, may be removed at any time, either by said city council or by the State superintendent of education, and when removed shall be ineligible to re-election during the time for which he was elected. All vacancies for the office of superintendent shall be filled by election by said city council, at any regular or special meeting called for that purpose, and the person so elected shall hold for the unexpired term, and shall qualify as above required. The said superintendent shall be commissioned by the state superintendent of education, and he shall receive such compensation, to be paid out of the fund provided for in this act, as said

city council may fix. Said superintendent shall make full and complete reports to the said city council, and
Reports. to the state superintendent of education, and perform such other duties as are required by law of county superintendents of education, not inconsistent with this act, and also such other duties as said city council may require, not inconsistent with this act, and the general laws of the State.

SEC. 9. Be it further enacted, That all moneys collected under this act from the white race, shall go to
Expenditures. the support of the white schools, and all moneys collected from the colored race, shall be applied to the support of the colored schools, that shall be established in said school district, and to carry out the provisions of this section, it shall be the duty of the tax assessor in making assessments under the provisions of this act, to note on the assessment book the
Duties of assessor and collector. race to which all property assessed belongs, and the duty of the tax collector to report how much of said tax has been collected from each race.

Approved February 28, 1889.

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No. 561.] AN ACT [H. B. 632

To bar certain claims of witnesses registered against the fine and forfeiture fund of Bullock county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That all claims of witnesses that have been registered against the fine and forfeiture fund of Bullock county, and which remain unpaid, shall be forever barred
Witness claims. unless the same are presented for payment to the county treasurer of said county within twelve months from the approval of this act by the governor, and it shall be the duty of the said treasurer to enter on the margin of the book containing the registry of such claims, barred, opposite all such claims not presented within twelve months as above required ; Provided, that the claims of the State witnesses shall be and remain preferred claims against said fund as now provided by law; And provided further, that said county treasurer shall at no time reduce the amount of said fund below the sum of five hundred

dollars, except it be reduced in payment of the expenses of the last preceding term of the circuit court.

SEC. 2. Be it further enacted, That the probate judge shall give notice of this act by posting a notice on the court house door, and also by one notice in a newspaper, published in Bullock county, within thirty days after the passage of this act.

Approved February 28, 1889.

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No. 562.] AN ACT [H. B. 194

To amend sections 762 and 763 of the Code of 1886, relating to the summoning of constables by the sheriffs, to attend and wait upon the sittings of the circuit court of this State.

SECTION 1. Be it enacted ty the General Assembly of Alabama, That section 762 of the Code of 1886, be amended so as to read as follows: 762. Sheriffs to summon three or more constables to attend court.—The sheriff of the county must summon three or more constables to be selected by him, to attend at such term of the circuit court, and should any of them fail to attend, a conditional judgment may be entered against him of ten dollars, which must be made absolute unless he appears at the next term, and show a good excuse for not attending. Constables to attend court.

SEC. 2. Be it further enacted, That section 763 of the Code of 1886, be amended so as to read as follows: 763. Compensation to such constables.—Such constables attending shall receive, each, two dollars for each day's attendance, and the same mileage paid jurors in criminal cases, to be paid out of the county treasury, on the certificate of the clerk, showing the number of days they have attended, and the mileage to which each is entitled ; Provided, that the clerk shall issue no certificate except upon the order of the presiding judge; Provided, the provisions of this act shall apply to Marengo and Clarke counties only. Compensation.

Approved February 28, 1889.

No. 563.] AN ACT [H. B. 890

To amend the charter of the First Presbyterian church Talladega, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the charter of the First Presbyterian church of Talladega, Alabama, be amended so that in addition to powers already conferred upon it under its charter, it having been duly incorporated under the provisions of article one of chapter fourteen of title one of part two of the Code of Alabama, of 1886, being section 1691 to 1701 of said Code, inclusive, it shall have the following powers, to-wit: It may acquire real and personal property by purchase, gift, will, devise or in any other manner to any extent whatsoever and in any sum, and such property shall be free from all taxation so long as it is used for religious and educational purposes. The trustees of said corporation may by mortgage, or deed of trust, convey all or any part of its real and personal property to secure the payment of debts contracted by them or their lawfully authorized agents for the benefit of said corporations, but no mortgage or deed of trust shall be executed by the trustees on any portion of the property of said corporation until after ten days notice shall have first been given all the trustees by notice personally given them or by advertisement published in some newspaper in Talladega county, Alabama, for ten days prior to such meeting, showing the time, place and object of the same, and no such mortgage shall be valid unless a majority of said trustees shall vote for the same. Said corporations shall have full power to own, sustain and support, or encourage a female school, seminary, college or other institutions of learning for the education of females, and may employ teachers, or rent its property to any person who will assume control of any such school, institute of learning, seminary or college, and make any contract it deems proper relative thereto with any such teachers or principal. It may also have power to receive male as well as female children in any school, seminary, college, or institution of learning, owned or controlled by it.

Additional powers.

SEC. 2. Be it further enacted, That the pastor, the ruling elders and the deacons of said church shall constitute a permanant board of trustees for said corporation,

Trustees.

and that such board shall have full power and authority to attend to and transact all its business affairs.

SEC. 3. Be it further enacted, That said board of trustees shall elect its officers, one of whom shall act as secretary, who shall keep a true and correct minute of all its proceedings in a well bound book to be kept by him for that purpose, and such minute book shall be prima facie evidence of all matters contained therein in any court of law or equity in this State. Secretary.

SEC. 4. Be it further enacted, That said corporation shall have full power and authority to make all contracts and do all things in respect to the powers herein granted just as fully as individuals could do in such cases. It may sue and be sued, and service upon one of the officers of said board of trustees in any suits or legal proceedings in which it is concerned, shall be treated as service upon the corporation. Contracts, etc.

Approved February 28, 1889.

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No. 564.] AN ACT [H. B. 675.

To incorporate the Florence Belt Railroad and Improvement Company.

SECTION 1. Be it enacted ty the General Assembly of Alabama, That William B. Wood, William J. Wood and Sterling A. Wood, and their associates, be and they are hereby constituted a body politic and corporate, by the name and style of the Florence Belt Railroad and Improvement Company, and by that name, or by such other name as the stockholders may adopt, are hereby authorized to sue and be sued, to make a common seal, and the same to break, alter and renew at pleasure; to have and to hold real and personal property for the present and future business and purposes of such company, as well as such other property as said company may otherwise acquire by gift, devise, donation or purchase for investment or development; to make rules, regulations and by-laws for the management and direction for such corporation, not contrary to the constitution and laws of this State or of the United States, and generally to have and exercise all the rights, powers and privileges pertaining to corpo- Name. Rights, powers etc.

rate bodies, and necessary for the full carrying out of the objects and purposes of this act.

SEC. 2. Be it further enacted, That said corporation is hereby authorized and empowered to purchase from any other persons or corporations all their railroad property and franchises, whether constructed or in process of construction, and all rights of way and privileges connected therewith, and such other property as may be convenient or necessary to carry out the purposes of their incorporation, and in payment of said property so purchased, said Florence Belt Railroad and Improvement Company may issue its paid up capital stock to the vendors for such sum as may be agreed upon, not exceeding in amount the fair market value of the property, rights, franchises and privileges so purchased.

SEC. 3. Be it further enacted, That said Florence Belt Railroad and Improvement Company may own and operate said railroads so purchased, and complete the same, and may also survey, locate, construct and operate other lines of railroad, with one or more tracks of rails in and along the streets, avenues, alleys and public grounds of the city of Florence, and the territory adjacent to the said city of Florence, within the county of Lauderdale, and counties adjacent thereto, and extend the same in and through any other counties of this State, with such branches and turnouts as may be necessary for the use of said road, and on such railroads and branches said company is authorized to take and carry for hire persons and property, by the power and process of steam, animal or other mechanical power, or combination of them; and also to construct, equip, own, enjoy, use and operate street railroads on and along the streets, avenues, alleys and public grounds within the corporate limits of the said city of Florence and territory adjacent thereto; Provided, that said railroad and improvement company, before constructing any railroad or street railroads in any street, avenue, alley or public ground in the city of Florence, where the right to construct the same has not heretofore been granted by the corporate authorities of the said city, to any person or corporation from whom they shall have acquired such rights, shall first obtain the consent of the corporate authorities of said city to the construction and operation of such railroads or street railroads, and nothing in this act shall be so construed as to

impair or abridge the power and authority of the corporate authorities of said city over the streets, avenues, alleys and public grounds thereof.

SEC. 4. Be it further enaoted, That said company is authorized to connect with or cross the tracks of other railroads by branches, switches or crossings in or near the said city of Florence, by a belt line or otherwise, and said company may build bridges, trestles, depots, side tracks, warehouses and such other structures as may be necessary to the purpose of this act.

SEC. 5. Be it further enacted, That for the purpose of constructing said railroad and branches, not in any incorporated city or town, the said company is hereby authorized to lay out the sarne, not exceeding one hundred feet wide, and may acquire the right of way for such railroads and branchcs by purchase from the owner, or by proceedings ad quod damnum, as provided by law in this State in such cases; just compensation to the owner shall be first paid in all cases where the right of way is acqnired by proceedings of ad quod damnum, as required by the constitution; but said company may previously enter upon any land for the purpose of surveying, locating and laying out its railroad and branchcs, and said company may acquire by gift, grant or purchase real estate, and erect such structures thereon that may be necessary or convenient for its business, and may sell or lease any such real estate not required for its business. Right of way.

SEC. 6. Be it further enacted, That said company may, in lieu of constructing any portion of its lines or branches, purchase or acquire by loase for a term of not exceeding one hundred years, the right of way, road-bed or track of any other railroad, or any portion of such other railroad, or said company may make common stock or any other lawful contract whereby it may sell or lease, as aforesaid, to such other company any or all of its said railroad or branches, and the franchises thereof. May purchase or lease.

SEC. 7. Be it further enacted, That whenever necessary to secure a suitable and convenient location, the said railroad may cross or build along the right of way of any other railroad, a consecutive distance of not exceeding in any case ten miles, and said railroad or branches may be built across or on and along any of the highways or public roads of the county, or across or along the streets of Other roads and highways.

any incorporated town or city through which it may be necessary to pass; Provided, that the said highways, roads and streets shall, after the construction of the said railroad thereon or thereover, be restored to as good a condition as before; And provided further, that the consent of the incorporated towns and cities shall be first had and obtained to the use of the streets or alleys for such right of way before the same shall be used and occupied.

SEC. 8. Be it further enacted, That the capital stock of said company shall be one hundred thousand ($100,000) dollars, divided into one thousand shares of one hundred dollars each, with the privilege of in-

Capital stock. creasing said capital stock to one million dollars, whenever in the judgment of the stockholders it may be necessary or desirable. Said capital stock shall be deemed personal property, and may be transferred in such manner and in such places as the by-laws of said company shall direct, not inconsistent with the general laws of this State.

SEC. 9. Be it further enacted, That the corporate powers of said company shall be vested in a board of directors of not less than five nor more than eleven, to

Directors. be elected as hereinafter provided, and such other officers and agents as said directors shall appoint or authorize.

SEC. 10. Be it further enacted, That subscriptions to

Organization. the capital stock of this company shall be taken, payable in money or its equivalent in labor or property.

SEC. 11. Be it further enacted, That when twenty thousand ($20,000) have been subscribed to the capital stock of said company by bona fide and solvent subscribers, and two per cent. of said subscriptions paid as provided by section 1578 of the code of 1886, the board of corporators shall call the subscribers together by notice, given in such manner as they may direct, for the purpose of organization, and the majority of the stock so subscribed being present, either in person or by proxy, they shall proceed to the organization of the company, by the election from among

Directors. the stockholders themselves, by a majority of the stock represented, not less than five nor more than eleven directors to manage the affairs and business of the company for the ensuing year, or un-

til their successors are elected and duly qualified; said successors to be elected in a similar manner. The directors thus elected shall elect from their number a president, who shall also be president and executive officer of said company, and such person or persons aa they may see fit for secretary and treasurer, to serve for such a period and under such condition as the by-laws may direct.

SEC. 12. Be it further enacted, That upon the organization of the company, the board of incorporators shall turn over to the board of directors all money or other property received by them on subscription, together with all bonds, lists, notes, obligations, papers, and records taken and made by them in the organization of the company, and henceforth all such books, papers, lists, notes, obligations, records, money and property shall be the property of the company, and all obligations incurred shall be as binding the company, as if taken and made by themselves. Said board of directors shall also have power to require to be paid the sums subscribed by stockholders in such manner and at such times as it may deem proper, and on the refusal or neglect on the part of any stockholders to pay such installment, the shares of such delinquent may be sold at public auction, under such rules and upon such notice as the directors may previously prescribe, the surplus, if any, from the proceeds of the sale, after the payments of the balance due for such shares shall be paid to such stockholders, but nothing herein contained shall prevent said company from collecting, by proper proceediugs at law, the amount due on any subscription. Assets, etc.

SEC. 13. Be it further enacted, That said company may borrow money for the purpose of carrying out the purposes of this charter, and may make notes, bonds or other evidences of debt, and by a vote of the majority of the stockholders had at a meeting called for the purpose, in such manner as the board of directors may see proper, may secure the payment of notes, bonds or other evidences of debt by a mortgage or deed of trust on its franchises, and any or all of its property, both real and personal. May borrow money.

SEC. 14. Be it further enacted, That said company

may construct and operate a telegraph or telephone line or lines in and along and upon any and all por-
Telegraph and telephone. tions of its right of way of its main line and branches, both for its own use and for doing a public telegraph or telephone business, but said company shall not be compelled to do a telegraph business on its said line, or at any particular station thereon, unless it so desire.

SEC. 15. Be it further enacted, That said company may own parks, resorts, places of amusement, or for exercise or recreation, hotels, restaurants or other
Parks, etc. ground and buildings of like character, and may conduct or operate the same by its officers and servants, or lease out the same to other persons.

SEC. 16. Be it further enacted, That said company may lay off its land into town lots, streets, avenues,
May sell lots. and alleys, and may sell the lots at public or private sale, on such terms and conditions as the board of directors may prescribe, and make and execute to the purchasers sufficient deeds of conveyance.

Approved February 28, 1889.

No. 565.] AN ACT [H. B. 910

To incorporate the town of Haleysville, in the county of Winston.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the town of Haleysville in the county of
Charter. Winston be, and the same is hereby incorporated, and the corporate limits of said town shall extend one-fourth of a mile in every direction from the north-east corner of the masonic hall in said town, which hall and town is situated upon a portion of the northeast quarter of the southwest
Limits. quarter (N. E. 1/4 of S. W. 1/4) of section 31, township 9 of range 10, in said county of Winston.

SEC. 2. Be it further enacted, That within thirty days after the passage of this act, or on the first Monday in April, 1889, and annually thereafter, an election shall
Elections. be held for the election of a mayor and four councilmen of said town, who shall serve for the term of one year, and until their successors are elected and qualified, and

every qualified elector in the limits of said corporation shall be a legal voter at said election for said mayor and aldermen ; Provided, that Chas. L. Haley, W. S. Roden and Wm. Davis shall compose a board of inspectors to hold the first election as required by this act, who shall return the result of said election to the judge of probate of Winston county, Alabama, within ten days from the time of the holding of said election.

SEC. 3. Be it further enacted, That said mayor and councilmen are hereby declared and constituted a body politic and corporate by the name and style of the mayor and councilmen of the town of Haleysville, by which name they and their successors in office shall be capable of sueing and being sued, and defending in all manner of suits, either in law or in equity, and in general to do and perform all acts which are usnally incident to bodies corporate; to purchase, hold, use and dispose of, for the benefit of said town real and personal property. Powers of mayor and council-men.

SEC. 4. Be it further enacted, That the mayor and councilmen shall have full power and authority to pass and enforce ordinances deemed necessary and proper to keep the peace and good order in said town ; to prevent and remove all nuisances at the expense of the person causing the same, and to prohibit all vice and immorality, and to pnnish for the same, and all other indecencies and disorderly conduct, affrays and other breaches of the peace, and violations of the criminal laws, within the corporate limits; and generally to pass such laws and ordinances not contrary to the laws of the State of Alabama, as they shall from time to time deem necessary and proper to carry into effect the meaning and intention of this act, and to enforce the same, alter and repeal the same; they may establish a tariff of fees to be paid the officers of the corporation in case of the violation of any ordinance and by-laws of thc corporation by defendants on conviction, and may enforce by proper and usual process orders of imprisonment, etc., the collecting of the fines imposed and fees ; and in default thereof, may imprison or by work on the streets, or public works in said town, not exceeding thirty days, for any violation of the laws or ordinances of said town.

Approved February 28, 1889.

No. 566.] AN ACT [H. B. 1034

To incorporate the Pensacola, Andalusia, Union Springs and Chattanooga Railroad Compauy.

SECTION 1. Be it enacted by the General Assembly of Alabama, That 8. J. Foster, M. E. Simmous, William Stakely, Sr., Lon Sessions, Syd T. Frazier, Jas. A. Paulk, B. T. Eley, J. G. McAndrew and D. F. McCall, of Union Springs, Bullock county, Alabama, and E. J. Mancill of Andalusia, Alabama, aud such other persons as they may unite with them for the purposes of this act, are hereby constituted a body corporate by the name of the Pensacola, Andalusia, Union Springs and Chattanooga Railroad Company, with the right to sue and be sued ; and are hereby invested with all the powers and privileges necessary to carry into effect the purposes and objects hereinafter set forth. Said corporation, when organized, is hereby authorized and empowered to locate, construct and complete and maintain a railroad by the most practicable route from Union Spriugs to Anniston, Alabama, or thereabout, and to connect with any other railroad at or near Anniston, so as to form a connection with Chattanooga, Tennessee; and from said Union Springs in the direction of Pensacola, in the State of Florida, to the line of Florida, at such point as may be deemed most desirable. Said corporation shall have power and authority to transport persons and property by steam or any mechanical or electric motive power, upon the said road, and for the purpose of constructing and maintaining said road, the said corporation is hereby authorized and empowered to lay out their road, with right of way fifty feet wide on each side of the center of said railroad ; and said corporation may contract for the right of way and for all material necessary to complete, equip and maintain said road. And in case the said corporation cannot agree with the owners of land through which the said road may pass, or in case the owners of the said land are infants, non compos mentis, or non-residents of the State of Alabama, the said corporation may apply to the probate judge of any county through which said road may pass, for a jury of twelve good and lawful men, and the said judge shall select

Name.

Rights, powers etc.

and appoint twelve good and lawful men, to assess the value of said right of way, and the damage to be done by the running of said road through said laud ; and when such value and damage shall be so assessed and reported to said judge of probate, the said corporation shall pay such assessed value or damage, and upon payment thereof, the said corporation shall be vested with said right of way. The right of appeal to the circuit, city or supreme court is hereby allowed to either party; Provided, said appeal shall be taken within fifteen days after the return of the said jury to the said probate judge.

SEC. 2. Be it further enacted, That the capital stock of said corporation shall be one million of dollars, which may be increased to two millions of dollars; Capital stock. which said capital stock shall be divided into shares of one hundred dollars each ; and said stock may be transferred in such manner as the by-laws of said company may direct. Said company shall organize as soon as fifty thousand dollars of said capital stock shall be taken and subscribed.

SEC. 3. Be it further enacted, That the persons named in the first section of this act shall open books of subscription to the said capital stock at such times and places as they may think proper. The directors of said corporation shall, after the same is organized, authorize any person or persons to take subscriptions to the stock of said corporation.

SEC. 4. Be it further enacted, That there shall be elected by the stockholders, after such organization, nine directors, who shall hold their offices for twelve Directors. months and until their successors shall be elected and qualified. Said directors shall elect a president, and the said president shall be elected for twelve months and until his successor shall be elected and qualified. Said president and directors shall constitute a board for the control and management of all the business and affairs of said corporation ; and said board may appoint all officers, agents, engineers and servants they may deem necessary to complete and maintain said road, and manage the same ; and said board shall make all by-laws they may deem necessary not inconsistent with the constitution and laws of the State.

SEC. 5. Be it further enacted, That the persons named

in the first section of this act, are authorized and required, when the subscriptions shall amount to fifty thousand dollars, to call a meeting of the subscribers to stock, in such manner, and at such time aud place as they may appoint, for the election of directors, and in all meetings of the stockholders, each share of stock shall entitle the owner thereof to one vote. Votes may be cast by proxy, and an annual meeting of stockholders shall be held for the purpose of electing directors, at such time aud place as the by-laws may prescribe; and in case, for any reason, an election of directors shall not take place at the time appointed, such election may be had at such time as may be appointed by the board of directors. The president and directors may fill any vacancies which may occur by death, removal, resignation, or otherwise.

Meetings of stockholders.

SEC. 6. Said board of directors shall have power to make all contracts necessary to construct, equip, and maintain said road; and said board of directors, shall be empowered to require stockholders to pay such installments of stock on their respective shares, at such times as they may deem best for the interests of said company; and upon the failure or refusal of any stockholder to pay installments, in pursuance of calls made by the said board, the said president and directors, in the name of the corporation, may proceed, in any lawful mode, to collect the same; and said board may declare forfeited, any stock for failure or refusal to pay, under such rules and regulations as may be prescribed by the said board.

Contracts.

SEC. 7. Be if further enacted, That the said corporation shall have the right to construct bridges for their road, across navigable streams, and to cross and intersect any established rail or other road; Provided, the navigation of such stream shall not be stopped or materially impaired, and the passage of such other road shall not be impeded or obstructed; and this corporation shall put such other road in as good condition as at the time of intersecting or crossing the same.

Bridges.

SEC. 8. Be it further enacted, That after the construction of said road or any material part thereof, the corporation may collect toll from any person who may ride thereon or who may transport merchandise or any other commodity or article thereon, the rates of

Charges.

toll to be regulated as other railroad corporations in this State are regulated.

SEC. 9. Be it further enacted, That the said railroad shall be commenced, and at least twenty miles thereof let to contract within two years from the passage of this act, and said corporation sball exist for fifty years.

SEC. 10. Be it further enacted, That the subscriptions to stock may be payable in land, materials for construction, or in labor, or in money, or in equipments.

Approved February 28, 1889.

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No. 567.] AN ACT [H. B. 302

To repeal an act entitled an act for the preservation of game animals and birds, in the counties of Mobile, Talladega and other counties, approved February 13,1879, so far as the same relates to beat No. 7, in the county of Talladega.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the act for the preservation of game animals and birds, in the counties of Mobile, Monroe, Marengo, Baldwin, Dallas, Lowndes, Hale, Montgomery, Clarke, Greene, Wilcox, Pike, Talladega, Pickens, Bibb, Autauga, Chilton, Clay and Jefferson, be aud the same is hereby repealed, so far as the same relates to beat number seven, in the county of Talladega. Repeal.

Approved February 28, 1889.

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No. 568.] AN ACT [H. B. 963

To authorize Alex. D. Coffee to establish a ferry across the Tennessee river.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Alex. D. Coffee, of Lauderdale county, Alabama, is hereby authorized to establish a public ferry across the Tenuessee river, at a point within the

lines of fractional section 29, township 3, range 11, west, the northern bank of said river at such point being in Ferry. Lauderdale county, and the southern bank in Colbert county, Alabama, aud he, his heirs and assigns, are hereby authorized to charge such toll for crossing at said ferry as may from time to time be prescribed by the court of county commissioners of Lauderdale county.

SEC. 2. Be it further enacted, That said Alex. D. Coffee, being the owner of the land at said point, on the north bank of said river, is hereby authorized, if he cannot agree with the owner of the land on the south bank, to have said land condemned for the use of said ferry, by proceeding, as provided in section 1448 of the Code of Alabama.

SEC. 3. Be it further enacted, That the privilege herein conferred, shall continue for ten years, and at the end of that time, and from time to time, the commissioners court of Lauderdale county, may continue the license for said ferry, for a period of ten years at a time.

Approved February 28, 1889.

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No. 569.] AN ACT [H. B. 785

To amend and enlarge the charter of the Ensley Railway, and to confer additional powers on said corporation.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the corporation and organization of the Ensley Railway, heretofore effected by and under Corporation proceedings had under the general laws of the State confirmed. of Alabama, for the objects and purposes, and with the rights and powers set forth in said proceedings, be and the same are hereby in all respects ratified and confirmed, and all acts of the said Ensley Railway thereunder are hereby confirmed.

SEC. 2. Be it further enacted, That in addition to the powers given to said Ensley Railway, and declared and set forth in said proceedings and hereby confirmed, and in addition to those now conferred by the general

laws of the State of Alabama, the Ensley Railway shall have and possess all the rights, powers, privileges and immunities, by thegeneral laws of this State conferred on railroad companies.

Approved February 28, 1889.

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No. 570.] AN ACT [H. B. 565

To regulate the trial of bastardy proceedings in Mobile county.

SECTION 1. Be it enacted ty the General Assembly of Alabama, That in all proceedings in bastardy originating or triable in Mobile connty, the justice of the peace before whom complaint is made and the charge is investigated, shall, if it appear that there is probable cause to believe that the accused is guilty of the charge, require the accused to enter into bond with sufficient surety in a sum not excceding one thousand dollars, to be approved by such justice, payable to the State of Alabama, and conditioned that the accused will appear at the next term of the city court of Mobile. Bastardy.

SEC. 2. Be it further enacted, That the city court of Mobile shall have full jurisdiction to try and determine all cases in bastardy, and the same proceedings shall be had therein as are now provided by law for the trial of such cases in the circuit court. City court.

SEC. 3. Be it further enacted, That it shall be the duty of the solicitor of Mobile county to appear and represent the State in all cases in bastardy originating and triable in Mobile county, and prosecute the same in the city or circuit court, and the solicitor's fee in each case shall be taxed in the costs and collected and paid over by the clerk of the court in which such prosecutions are had in the same way that all other fees are taxed, collected and paid over in criminal cases. Duty of county solicitor.

SEC. 4. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 28, 1889.

No. 571.] AN ACT [H. B. 851

To pay J. W. Portis and James Cobbs for professional services rendered the State of Alabama in the case of the State of Alabama vs. Z. Y. Clements and his sureties in Washington county circuit court.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the auditor of the State be, and he is hereby instructed to draw his warrant on the treasurer of
Appropriation the State in favor of J. W. Portis and James Cobbs, attorneys at law, for the sum of twenty-five dollars in full payment for professional serviecs rendered by them at the fall term of the circuit court of Washington county, Alabama, in the case of a suit brought by the State of Alabama vs. Zachariah Y. Clements and his sureties, W. C. Dunavan and others, in his official bonds as tax collector of Washington county, in the year 1881.

SEC. 2. Be it further enacted, That said Portis and Cobbs shall file a receipt for said sum in full payment for said services with the auditor of the State before drawing said warrant.

SEC. 3. Be it further enacted, That the sum of twenty-five dollars, as above, be and the same is hereby appropriated out of any money in the treasury of the State, otherwise not appropriated, to pay the same.

Approved February 28, 1889.

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No. 572.] AN ACT [H. B. 868

To confirm the incorporation of "The Young Men's Christian Association of Birmingham," a body corporate, created under the general law of Alabama, and to grant additional powers to said corporation and prescribe the method by which it may mortgage or alienate its property.

SECTION 1. Be it enacted by the General Assembly of
Corporation Alabama, That the incorporation of "The Young Men's
confirmed. Christian Association of Birmingham," heretofore had under the general laws of this State by the declaration of trustees made and recorded in the probate court of Jef-

ferson county, be and the same is in all things confinned.

SEC. 2. Be it further enacted, That in addition to the powers now conferred on and belonging to the said corporation by and under the general laws of this State, it shall have the right to acquire by gift, purchase or otherwise, real estate and personal property to an amount not exceeding two hundred and fifty thousand dollars in value, and the same to hold and dispose of any part of or all of it in the manner herein provided; to sue and be sued by its corporate name; to adopt a common seal and to change the same; to appoint such officers and agents as may be deemed necessary for the transaction of its business and the management and control of its affairs and property; to make all needful by-laws and regulations for the transaction of its business and management and control of its affairs; to borrow money to enable it to improve its property or erect buildings on property it owns or may acquire, or to otherwise carry out the purposes of its incorporation, and to mortgage its property, real or personal, or both, or any part of it to secure debts owing or contracted by it; Provided, that no alienation or conveyancc or mortgagc of any of the real estate of said corporation shall be made otherwise than by the consent, expressed by a vote, of a majority of the active members of said corporation present at a meeting called for the purpose, of the time and place of which meeting, and of the purpose for which it is called, fifteen days notice is given each of said members, by notice mailed to each whose residence is known, and by publication at least five times in different issues of a newspaper published in Birmingham, and if such vote result in a resolntion to sell or mortgage any or all of the real estate, the deed, mortgage or other instrument of alienation shall be executed in the name of the corporation by its president, who shall affix thereto the corporate seal. This act shall be in force from its passage. Additional powers.

Approved February 28, 1889.

No. 573.] AN ACT [H. B. 826

To amend section 17 of an act to amend an act to establish a new charter for the city of Birmingham, approved February 17, 1883.

SECTION 1. Be it enacted by the General Assembly of Alabama, that section 17 of an act to amend an act to establish a new charter for the city of Birmingham, approved February 17, 1883, be amended so as to read as follows: Section 17. That it shall be the duty of the mayor to provide and keep order at the meetings of the board; he shall call special meetings of the board whenever, in his opinion, the interest of the city require it; he shall keep an office in said city, but he shall not be required to hear and determine cases of violation of the laws or ordinances after the election and qualification of a recorder as provided for in this act; but the board of aldermen of the city of Birmingham, Alabama, immediately after the passage of this act, shall elect a recorder, whose term of office shall extend until the first day of January, 1890, or until his successor is elected and qualified ; and it shall be the duty of the board thereafter, annually, to elect a city recorder, at the same time and in the same manner that other city officials are elected by the board, and his term shall be for one year from the first day of January of each successive year, or until his successor is duly elected and qualified. The recorder shall receive such compensation, not exceeding one thousand dollars per anuum, as the board may prescribe, and shall keep an office in the city of Birmiugham and hear and determine all casea of violation of all by-laws or ordinances or charter of said city, and impose the penalties prescribed by ordinance and by the charter of said city and amendments thereto, for the violation of the charter, ordinauces and by-laws of said city, and it shall be his duty to make report at least once a year, under oath, of all fines, penalties and forfeitures fixed by him or by an alderman acting in his stead ; he shall possess within the corporate limits and within the police jurisdiction of said city, all the powers and jurisdictions of a justice of the peace in civil and criminal cases, and shall be subject to all the corresponding

Mayor.

Election of recorder.

Duties of recorder.

duties and liabilities of a justice of the peace ; Provided, that he shall not be required to take jurisdiction of, try or determine any cause, civil or criminal, or ex officio justice of the peace that have not already come before him as recorder of said city. In case of the absence from the city, death, or failure to act from any cause of. the recorder, any alderman may act as such recorder, and such recorder may at any time be removed from office in the same manner that other city officers may be removed by existing laws, but in case of such removal, or in case of death, the vacancy may be filled by the board temporarily, by designating one of the aldermen of the city to act, and the board shall, as soon thereafter as practicable, hold an election for the unexpired term.

The recorder of the city of Birmingham, or any alderman acting in his stead, trying any violation of the charter, or any of the by-laws or ordinances of said city, shall, upon the conviction of any such person, have power to impose a fine not exceeding one hundred dollars, or to imprison or to sentence to hard labor for the city not exceeding thirty days, one or both, and all persons convicted for a breach of any by-laws or ordinance, or charter provisions, failing to pay or secure such fine, may be imprisoned for such failure, or placed to hard labor for the city until such fine and costs are paid, in such manner and for such time as the board may direct. In cases where the parties tried before the recorder or any alderman of said city acting aa recorder, are dissatisfied with any judgment by said recorder, or alderman, he or they may appeal to the city court of Birmingham, to the present term of said court, if said appeal is taken in term time, or to the next term of said court if it is then vacation, by giving bond, with two good sureties, to be approved by the recorder or alderman trying the case, in such sum as he may prescribe, conditioned to appear at the term of the court to which the appeal is taken, and from term to term thereafter until discharged by law, and to pay and satisfy the judgment with costs, in case the judgment shall be affirmed by said city court, or in any court, to pay such judgment as the said city court may render on such appeal, but unless such bond be given within five days from the

Fines, etc.

Appeals.

date of the judgment of the recorder, or alderman, then no appeal shall be allowed from such judgment, and such appeal bond shall be made payable to the mayor and aldermen of Birmingham.

The proceedings on appeal, when the bond is approved as hereinbefore provided, shall be in all respects as provided by law in case of appeal from the judgment of a justice of the peace in civil cases, except as herein otherwise provided. If such defendant fail to appear in said city court when the cause is called for trial, the judgment of the recorder or alderman acting as such shall be affirmed by said city court, aud judgment therein shall be rendered against the defendant, and the sureties on the appeal bond for the amount of the fine imposed by the recorder, or alderman, the costs in the court below and the costs of appeal, and ten per cent. damages, unless good cause be shown to the court for his absence or default; and in case the defendant appears and the judgment is rendered by said city court for ruoney, the court must also render judgment against his sureties on the appeal bond for the amount of such judgmeut and costs in the court below, and tbe costs of the appeal; and if the judgment of said city court be that the defendant be imprisoned or put to hard labor as adjudged by said recorder or alderman as for the first time adjudged by said city court, then the court shall likewise render judgment against the defendant and the sureties on his appeal bond for the amount of the money judgment, if any, and in any event for the costs of the conrt below and of said appeal in the city court, and shall remand the defendant to the city authorities for punishment as provided by the ordinances of said city.

Upon conviction before the recorder or alderman acting as such, such appeal case shall be tried in the city court de novo, and it shall be the duty of the court to speed the trial of such appeal case. In all such appeal cases in the city court the issue and question of fact shall be tried by the court, without the intervention of a jury, unless the defendant at the time of the delivery of his appeal bond endorse thereon either by himself or attorney, that he demauds a jury for the trial of such case in the city court, and a failure to demand a jury as above directed shall be deemed and held a waiver of the right of trial by jury in such case ; Provided, that the con-

clusion and judgment of the court in such cases tried without a jury may be presented for review in the supreme court in the same manner that civil cases. tried in said court without a jury may be presented for review in the supreme court under existing laws.

On the trial of any such case in the city court of Birmingham, brought by appeal from the decision of the recorder or alderman acting as such, any code or book containing the by-laws or ordinances of said city of Birmingham, and purporting on the face thereof to be printed, published or prepared by authority of the mayor and aldermen of said city, shall be received as evidence of the contents thereof, without further proof. From the judgment of said city court the defendant may appeal to the supreme court of the State, and in all civil and quasi criminal cases, the mayor and aldermen of Birmingham may appeal to the said supreme court. The recorder, or alderman acting as recorder, shall have the power to administer oaths, and to compel the attendance of witnesses, and the production of papers and books, and shall have power to punish by fine not exceeding ten dollars, and by imprisonment not exceeding twenty-four hours any person guilty of a contempt of court. The recorder, or alderman acting as such, shall have jurisdiction of all proceedings by motion scire facias, or other writ instituted for the collection of any penal bond, payable to the mayor and aldermen of Birmingham taken under the charter of the city or ordinances passed in pursuance thereof. To compel the attendance of any person to answer a prosecution in said recorder's court, and upon his judgment rendered in such proceedings, execution may issue and be enforced as executions from justices courts. The recorder elected under the provisions of this act shall, after his election and before exercising the duties of his office, file with the mayor of said city as oath of office taken and subscribed before some officer authorized by the laws of the State to take and certify oaths, that he will honestly and faithfully perform the duties of such office of city recorder of Birmingham during his term, according to the best of his skill and ability.

Powers of recorder.

SEC. 2. Be it further enacted, That all prosecutions for violation of the charter, by-laws or ordinances of said city, that are now pending, or that may be pending at the time of the passage of this act, either before the mayor

of said city, or on appeal in the city court of Birmingham, shall in no wise be affected by this act, but shall in all respects be governed by the law existing at the time of such prosecution.

Approved February 28, 1889.

No. 574.] AN ACT [H. B. 23

To confirm, amend and enlarge the charter of the Debardeleben Coal and Iron Company.

SECTION 1. Be it enacted, by the General Assembly of Alabama, That the incorporation and organization of the Debardeleben Coal and Iron company, heretofore effected by and under proceedings had in the probate court of the county of Jefferson in this State, under the general laws thereof, for the objects and purposes, and with the rights and powers set forth in said proceedings, be and the same are hereby in all respects ratified and confirmed, and all acts of the said Debardeleben Coal and Iron Company thereunder are hereby confirmed.

Incorporation confirmed.

SEC. 2. Be it further enacted, That in addition to the powers given to the said Debardeleben Coal and Iron company, and declared and set forth in said proceedings, and hereby confirmed, the said corporation shall have and possess all the rights, powers, privileges, franchises and immunities by the general laws of this State conferred upon private corporations organized for mining, manufacturing and other industrial business, and all general laws applicable to the said Debardeleben Coal and Iron company.

Powers enlarged.

SEC. 3. Be it further enacted, That the said Debardeleben Coal and Iron company shall also have full power to lay off its lands into lots and parcels, and to tease, sell, donate and convey the same ; to make sales, donations or loans of its lands, or other property, money or effects, to individuals or other corporations; to build and construct railroads, tramways, dummy lines or toll roads, and operate the same, taking for such carriage or transportation reasonable fare or tolls, and using such motive powers as may be deemed

best, on the property of said company or over such lines or in such directions as may be necessary or advisable in connecting the separate parcels of such property together or in the conduct and management of the business of the company, or in the construction or operation of furnaces, mills, factories, work shops, machine shops, foundries, and of all other industrial enterprises of all kinds, whether of like nature to those above enumerated or not, or for such other purposes as the said company may deem for its interest; to invest its funds or property in the capital stock of, and become a stockholder in any other corporation formed or to be formed, or in the bonds of such corporations, and to retain or dispose of such stock, in whole or in part, at pleasure ; to lease, construct, and operate, or to assist persons or corporations in such manner as the said Debardeleben Coal and Iron company may deem desirable in leasing, constructing, owning and operating furnaces, mills, factories, workshops, foundries, or other industrial enterprises of any kind and whether herein enumerated or not, and at its pleasure to incorporate the same ; to construct, own, rent and sell houses and other improvements, and to improve its lands in such manner as it may deem fit.

SEC. 4. Be it further enacted, That the said Debardeleben Coal and Iron company is hereby authorized and empowered to locate, construct and operate one or more railroads of such guage and as many tracks as it may deem proper for its coal or iron lauds, or mines, ore beds, or coking ovens, coaling or coking grounds, manufactories, furnaces or other places of business, which it now has or may hereafter establish, and to each other, and from any of such places and to any point or points on any stream, or any of the navigable waters in this State, and to such landings, wharves or depots, as such company may choose to establish along or at the terminus of any such line or lines of railroad, and to engage in the carriage of persons or property as a common carrier and to charge rates of freight, or tolls for the same over the said line or lines of railroad, and to contract for the use of, and to lease, and to acquire by purchase, any line or lines of railroad that are now, or may hereafter be

Railroads.

constructed in this State, and to connect the same with its other line or lines of railroad or to operate them separately, as it may see fit, and to purchase, own, charter or hire tugs, barges and steamboats, and every kind of water craft, as well as own, use, lease and occupy all such wharves and landings, as it may deem necessary and proper in the transportation of the product of its mines or manufactured products on any of the navigable waters of the State, and to use the same in the transportation of persons and property for the public, charging therefor reasonable rates of toll or freight, or in performing any business it has the right to do under the law.

SEC. 5. Be it further enacted, That the said Debardeleben Coal and Iron company shall also have full power to do all acts necessary to open, construct and operate such system or systems' of water works as it may deem advisable and to extend and enlarge the same from time to time, as it may deem necessary, drawing its water from such source or sources of water supply, to such reservoir or pumping station as may be most convenient, and it shall be a misdemeanor, punishable by fine or imprisonment for any person in any way to defile or pollute the waters in any such source, water supply, canal, acqueduct, or conduit used or to be used by said company, or to obstruct, or in any way damage the same, or direct the water therefrom without permission from said Debardeleben Coal and Iron company, or to carry off without permission, break or injure any pipe, cock, valve, machinery or other property that; may be used in connection with said water supply, or to take water from any hydrant, cock or other fixture, connected with said water works without permission from said Debardeleben Coal and Iron company, or for any person having charge or control of any hydrant or water pipe connected with said water works, to allow or permit any other person to take, draw or use water from the same without permission from said Debardeleben Coal and Iron company, or for any person by false key or otherwise, after the water shall have been shut off from any premises by said company, to cause or suffer the said premises to be again supplied with water from said water cocks without permission from said company.

Water works.

SEC. 6. Be it further enacted, That said Debardeleben Coal and Iron company shall have the right, in accordance with the statutes of this State authorizing land to be condemned by writs of ad quad dammum, to condemn such property, rights of way, or water sources, as may be necessary to enable said company, or the corporations organized by it, or with its assistance, to successfully construct, erect and operate the said railroads, railways, dummy lines, tramways, electrio light works, water works, telephone lines. Rights of way.

SEC. 7. Be it further enacted, That the said Debardeleben Coal and Iron Company shall have authority to exercise and enjoy any and all of the purposes, powers and franchises herein conferred, either individually or by assisting other persons or corporations in the exercise of such or like purposes, powers and franchises in such manner as said company may deem desirable.

SEC. 8. Be it further enacted, That the said Debardelebon Coal and Iron Company is authorized and empowered to consolidate and amalgamate itself with other corporation or corporations by a two-thirds vote of the stockholders of each such corporations, and form one general company under such name and style as may be agreed upon, and to issue and to apportion the stock of euch consolidated corporations as may be agreed upon by said two-thirds of the stockholders in each of said corporations, and to take up, if deemed proper and best, the individual stock of each company and to replace it with stock of the general company, in such manner and amounts as may be agreed upon by said two-thirds of stockholders; Provided, that such amalgamated company shall keep an office in the State of Alabama, and thereupon such general company shall be invested with all the powers and franchises theretofore belonging to each and all of the several corporations so consolidating or amalgamating; Provided further, that the rights and remedies of creditors shall not be affected by such consolidation. May consolidate.

SEO. 9. Be it further enacted, That the said Debardeleben Coal and Iron Company shall have power froin time to time to issue bonds for the payment of money borrowed, or for its indebtedness, and to secure the same by mortgages or mortgage on the whole or any part of its property. May issue bonds.

SEC. 10. Be it further enacted, That all acts hereto-

fore done by the said Debardeleben Coal and Iron Company, not inconsistent with the terms of this act, are hereby confirmed.

SEC. 11. Be it further enacted, That the said Debardeleben Coal and Iron Company shall have the right from time to time, and whenever it is so determined by a vote of those holding at least two-thirds in amount of
Capital stock. the capital stock of the company, to reduce the amount of the capital stock of the company to any amount not less than one million dollars, by purchase, gift or voluntary surrender of such stock, and the same, when thus retired, to cancel on the books of the company ; Provided, however, that a certified copy of the proceedings of the meeting authorizing such reduction shall be filed for record with the probate court for Jefferson county, in which the amount of tho capital stock 80 reduced and retired shall be fully stated.

Approved February 28, 1889.

No. 575.] AN ACT [H. B. 489

To authorize the registration of claims of justices of the peace and notaries public who are ex officio justices of the peace and constables against the fine and forfeiture fund of Barbour county, and to require the treasurer to pay the same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That when a defendant in a criminal case tried before a justice of the peace, or notary public with pow-
Fees of justices ers of justice of the peace, is discharged, or is convicted
and constables. and sentenced to hard labor for the county, or when he pays the fine only upon conviction, and when the costs cannot be collected out of the defendant, and the costs of the justices of the peace or notary aforesaid, including State witness fees, and the constable executing the process in the case, shall be a legal charge against the fine and forfeiture fund of Barbour county after having been itemized by the respective officer claiming the same, and their correctness sworn to before an officer authorized to administer oaths, and having been registered with the county treasurer of said county within twelve months

after the creation of the claim, and when so registered the claim shall be a legal claim against the fine and for - feitnre fund of said county, and be receivable in the pay- ment of any fine and forfeiture due said county, and said claims must be paid in the order of their registration by the treasurer, but these claims shall not interfere with the rights of payment of registered State's witness tickets payable out of the fine and forfeiturc fund, as declared in the proviso in section four of the act regulating the fine and forfeiture fund in said county, approved February 23, 1883. Duty of treasurer.

SEC. 2. Be it further enacted, That all laws in conflict with this act be and hereby repealed.

Approved February 28,1889.

No. 576.] AN ACT [H. B. 184

To require the commissioners of roads and revenues of Greene county to give bond.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners of roads and revenue of Greene county be and the same arc hereby required to execute bond in the sum of five thousand dollars for the faithful performance of all official duties under the same conditions as other county officers. Official bonds.

SEC. 2. Be it further enacted, That this act shall not take effect until after the next general election.

Approved February 28, 1889.

No. 577.] AN ACT [H. B. 975

For the relief of Virginia E. Carter as administratrix of David Carter, deceased, late sheriff of Clarke county.

Whereas, David Carter, deceased, late sheriff of Clarke county, expended certain sums of money during his term of office in the payment of bailiffs to subpoena witnesses before the grand juries of said county, for which he has never been compensated; and,

Whereas, Virginia E. Carter has been appointed administratrix of the estate of the said David Carter; therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That the commissioners court of Clarke county are authorized, whenever the said Virginia E. Carter shall make affidavit to the best of her knowledge and belief of the amounts expended by the said David Carter, deceased, in the payment of bailiffs as aforesaid, to inquire into and ascertain the amount so expended, and to grant an order for said amount so ascertained upon the county treasurer in favor of Virginia E. Carter as administratrix of the estate of David Carter, deceased, which shall be paid as other claims against said county; Provided, this act shall not be construed to compel the commissioners court to pay these claims.

Authority to pay claim.

Approved February 28, 1889.

No. 578.] AN ACT [H. B. 768

To regulate the purchase and sale of seed cotton in the counties of Munroe and Conecuh.

SEC. 1. Be it enacted by the General Assembly of Alabama, That from and after the first day of September, 1889, it shall be unlawful for any person to sell any seed cotton grown in cither of the counties of Monroe and Conecuh, unless he shall before making such sale take and subscribe an oath that he is the producer of the cotton so sold or offered for sale, and that the same is free from all incumbrance of any kind whatsoever, and any person violating the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than ten nor more than fifty dollars, and may also be sentenced to hard labor for the county for not more than six months, at the discretion of the court or jury trying the same.

Sale of seed cotton.

Penalty.

SEC. 2. Be it further enacted, That the oath prescribed in the first section of this act may be substantially in the following form, to-wit: State of Alabama——county, I————do solemnly swear that the seed cotton which 1 now sell or offer for sale to————to-wit————

Form of oath.

pounds of seed cotton, was produced by me and the same is free from any lien or incumbrance of any kind whatsoever. Sworn to and subscribed before me this the———— day of———— A. D. 18— ; which said oath must give the name of the party to whom sold and may be administered by any officer authorized by the laws of the State to administer oaths.

SEC. 3. Be it further enacted, That any person who shall buy or trade for in any manner any seed cotton unless he shall first require the person who sells or offers to sell or dispose of the cotton to comply with all the requirernents of sections one and two of this act, shall be gnilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars. Buyer's duties.

SEC. 4. Be it further enacted, That any person who shall buy or trade for any seed cotton grown in said counties, shall file in the office of the judge of probate of the county a monthly statement in writing, arid verified by oath, setting forth the name or names of persons from whom bought and the amounts thereof, and shall at the same time file with the said judge of probate the affidavits provided for by sections one and two ; Provided, that officers administering the oath required in this section, and in section two, shall not be entitled to any fee for such services.

SEC. 5. Be it further enacted, That any person who shall fail or refuse to comply with the provisions of section 4 (four) of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars and may also be imprisoned in the county jail for not more than six months. Penalty.

SEC. 6. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act be and the same are hereby repealed.

Approved February 28, 1889.

No. 579.] AN ACT [H. B. 38

To establish two branch Agricultural Experiment Stations and Agricultural Schools, one in North Alabama and the other at or near Abbeville, in Henry county in southeast Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That a branch agricultural experiment station and agricultural school, to be known as the North Alabama Agricultural Experiment Station and Agricultural School, and a branch agricultural experiment station and agricultural school, to be known as the Southeast Alabama Agricultural Experiment Station and School, are hereby established.

Experiment stations.

SEC. 2. Be it further enacted, That the commissioner of agriculture and the director of the experiment station at Auburn, Alabama, shall locate said stations and schools, one at some place in North Alabama, and the other at or near Abbeville in Henry county in southeast Alabama.

Commissioner to locate.

SEC. 2½. Be it further enacted, That the board of control of said stations and schools shall be composed of the commissioner of agriculture and the directors of the Agricultural Experiment Station at Auburn, Alabama, and five progressive farmers, who are actually engaged in cultivating Tennessee valley lands, and five progressive farmers who are actually engaged in cultivating red pine lands or lands of similar character, in southeast Alabama, the same to be appointed by the governor; three of whom must reside within ten miles of each of said stations. The members of said board must not receive any compensation other than expenses actually incurred in visiting the stations, and while there supervising their affairs.

Board of control.

Governor to appoint.

SEC. 3. Be it further enacted, That the said board of control shall have power to pay the director a reasonable salary for his supervision of said stations, not to exceed the sum of two hundred and fifty dollars, and the said board of control shall also have power to elect the principals and teachers of said schools, and manage said schools and stations as in their judgment they think best.

Board elects officers, etc.

SEC. 4. Be it further enacted, That for the equip-

ment and improvement of said stations and schools, there is hereby appropriated out of the funds of the Agricultural Department in the treasury, not otherwise appropriated, the sum of six thousand dollars, to be equally divided between said stations, for the first year, and for every year thereafter the sum of five thousand dollars, to be equally divided between said stations, six hundred and twenty-five dollars of which sum shall be paid quarterly, to-wit: First of January, first of April, first of July and first of October, to each treasurer of said board of control at said station.

Annual appropriations from agricultural fund.

SEC. 42. Be it further enacted, That the board of directors has authority to purchase suitable lands, not to exceed in quantity forty acres for each of said stations, taking the title to the State, and to construct thereon the necessary buildings, and other improvements, act expending more than two thousand dollars of the appropriation herein made for each station, in making such purchases, and in the construction of such buildings and improvements for each of said statious and schools. The board also has authority to appoint and discharge at pleasure such officers, agents or servants as are deemed necessary to the operation of the stations, fixing their compensations, and may appoint a director to conduct the operations of the stations, under the superintendence and direction, and subject to the rules and regulations of the board.

Lands, buildings.

SEC. 5. Be it further enacted, That the board must cause such experiments to be made at the stations as will advance the interests of scientific agriculture, particularly on Tennessee Valley lands, and on red pine lands and lands of a similar character in southeast Alabama, and to cause such chemical analyses to be made as are deemed necessary; all such analyses, if requested, to be made under the supervision of the commissioner of agriculture by the chemist of the agricultural department without charge.

Work at the stations.

SEC. 6. Be it further enacted, That said board of control may adopt such rules and regulations as they may deem necessary for the proper carrying out the provisions of this act.

Approved February 28, 1889.

No. 580.] AN ACT [H. B. 863

To regulate Mobile harbor.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the southern boundary of the harbor of Mobile, is the outer bar to the southward of Sand Island.

Port wardens. SEC. 2. Be it further enacted, That on the fifteenth day of March, 1890, and every two years thereafter, or as often as there shall be a vacancy, there shall be appointed by the mayor of Mobile, the president of the Mobile chamber of commerce, and the president of the board of underwriters of Mobile, president of the cotton exchange, and president of the board of revenue, and road commissioners, three persons, who shall be denominated, port wardens of Mobile; one of whom shall be designated as harbor master. For refusal to perform duty, neglect of duty, extortion of fees illegally, or other improper conduct in the discharge of duty, or for ineligibility under this act, the harbor master or any warden, may be removed by the said officers charged with the appointment, whose action shall be final. The harbor master and wardens now in office, shall continue in such office until said fifteenth of March, 1890, unless any such officer shall die or resign, but may be removed at any time after the passage of this act, for any of the above enumerated causes, by the officers charged with the appointment

Harbor master.

Not eligible. SEC. 3. Be it further enacted, That no agent or inspector of any insurance company; no person employed by the master, owner or consignee of any vessel for any purpose, in connection with vessels, except as in this act is provided; no person who furnishes supplies or materials of any description to vessels, and no person who has any interest, direct or indirect in the business of auctioneer, shall be appointed harbor master or port warden. And no person employed, concerned or interested in any business of commerce connected with shipping, shall be appointed, or shall exercise the duties of harbor master, save where a port warden temporarily may fill said function during the absence of the harbor master, under the provisions hereinafter made.

SEC. 4. Be it further enacted, That the powers of The harbor master and port wardens, except as in this chapter is otherwise provided, are limited to the cor- Powers. porate limits of Mobile. But on the request of a master or consignee of a vessel beyond these limits, any of them may survey or inspect such vessel, her hatches, cargo or stowage.

SEC. 5. Be it further enacted, That the harbor master and wardens must keep an office in the city of Mobile, and there make and preserve a full record of their official acts, and docket of their official fees, showing Duties. their amounts and from what vessel or person collected, and on what account, and at what times; all -which shall be at all times open to public inspection free of charge; and the harbor master shall keep said office open daily, except Sundays, from eight o'clock, a. m. to four o'clock p. m., and remain in his said office when not actively engaged. elsewhere in the performance of his duties.

SEC. 6. The harbor master shall, on the request of the owner, master or consignee of any vessel arriving •within the corporate limits of the city of Mobile, regulate and station such vessel, and may from time to time remove any such, as are not employed or immediately about to be employed in receiving or discharging cargo or ballast, if necessary to make room for such other vessel or vessels as may require immediate accommodation for receiving or discharging ballast or cargo. He shall not interfere with the selection by the master, owner, agent or consignee of a vessel of a wharf bulk head or shore berth for the discharge or receipt of cargo or ballast where such wharves, bulk heads or shore berth so selected is erected within the limits and in the manner of construction fixed by the Mobile river commission, nor station such vessel at other berth than the one as selected by the master, agent, owner or consignee, unless the person or authority controlling such selected wharf prohibits its use for such purposes by the vessel. He may require persons in charge of vessels made fast to a wharf or the shore, or lying in the stream, to adjust their spars so that they will not interfere with other vessels or project over a street. He has authority to determine how far and when persons in charge of vessels shall

accommodate each other in their station, but shall not have authority or power to prohibit vessels from receiving or discharging cargo while lying moored in the Mobile river; Provided, they be so moored as not to unduly interfere with navigation, or with each other; Provided, also, that in 'case no request is made within a reasonable time by the owner, master, agent or consignee, the harbor master shall be authorized to locate vessels at proper places. In case of sickness or tamporary absence, he may appoint by writing, in his stead, pro tempore, one of the other wardens, who while so acting shall have all the powers of harbor master, but no such absence, except in case of sickness, shall extend beyond one week at any one time, unless leave therefor be first given him by the officers who are charged with the appointment.

SEC. 7. Be it further enacted, That any person in charge of a vessel who resists or opposes the barbor master, or acting harbor master, in the lawful execution of his duties, shall be fined by the mayor of Mobile not exceeding fifty dollars, to be collected, enforced and applied as fines for violations of municipal ordinances of said city.

Penalty.

SEC. 8. Be it further enacted, That the harbor master or warden must, on written application by the owner, master, or consignee of a vessel arriving within the corporate limits of Mobile, or within the bay or river of Mobile, inspect the hatches, be present at the opening thereof, and survey the stowage of the cargo of said vessel. And it shall be the duty of the harbor master to give reasonable notice of the time of opening and inspection of hatches and survey of stowage to all consignees in writing, or by advertisement, and said consignees or their agents shall be allowed to be present at such time of opening, survey and inspection. The record of the inspection and survey shall state whether the hatches were properly covered and secured, shall designate every package of merchandise surveyed by marks and numbers, and if any package had the appearance of being damaged shall state how such package appeared to have received damage.

Duty as to stowage.

SEC. 9. Be it further enacted, That any two of the harbor masters and wardens, where applied to for that purpose, must inspect damaged cotton or merchandise

arriving in the corporate limits of Mobile, or in the bay of Mobile, and if the owners or consignee thereof orders it sold under their direction, attend and direct the sale at public auction, if in their opinion, the damage thereto is sufficient to justify its sale, but only upon forty-eight hours' notice of the time and place of sale in some newspaper of Mobile. They must give a certificate of such survey and of the correctness of such sale under their hands.

Sale of damaged goods.

SEC. 10. Be it further enacted, That any two of the harbor masters and wardens shall, when called upon by the master, owner or consignee of any vessel, survey the same, and may employ carpenters to open the ceiling, strip the sheathing, bore the timbers and perform such other work as shall be necessary to a correct survey; and in case of survey of merchandise, may employ laborers to move, open, cooper, or otherwise arrange cotton or merchandise to be surveyed, the expense thereof to be paid by the person requiring the service.

Surveys.

SEC. 11. Be it further enacted, That the harbor master and wardens may, by resolution, direct where ballast, sweepings, screenings, cinders, sawdust, shavings, refuse and rubbish of any kind shall be discharged in and about the harbor and bay of Mobile, and any river emptying into Mobile bay, and prescribe reasonable rules as to the manner of such discharge, and the masters of a vessel, or any other person who violates such direction as to place of discharge, shall forfeit five hundred dollars for each offense, to be recovered with costs in any court of competent jurisdiction at the suit of the harbor master or other informer—one-half of the said sum forfeited shall be paid to the informer, and the other half into the treasury of the city. But any vessel may lawfully discharge ballast upon any wharf or bulkhead erected in the manner and within the limits of construction established by the Mobile river commission, if the person or authority controlling the wharf or bulkhead assent thereto—all such wharves and bulkheads so constructed and placed being hereby made lawful places for the discharge of ballast. the harbor master must keep the persons having the charge or care of vessels arriving in ballast well advised of all regulations as to any rules which

Discharge of ballast, etc.

may be made regulating the mode of discharging ballast, and must exercise a general surveilance over such discharges where made in or along Mobile river, but without any fee or reward therefor beyond his regular salary, and without delaying the lawful discharge. That on the arrival of every vessel in ballast in said city of Mobile, the harbor master shall notify the mayor of said city of such arrival and the kind of ballast she has on board, and if the city purchase or acquire said ballast, the harbor master must locate the vessel for its discharge at such accessible place as the mayor may indicate, and no wharfage shall be charged or demanded of said city or any vessel by the superintendent of the wharves, which were lately the property of said city, for the use of any of said wharves for discharging such ballast thereon, if it be promptly removed.

SEC. 12. Be it further enacted, That the said harbor master and wardens shall have the general supervision of the navigation of the ship channel connecting the river Ship channel. Mobile with the lower bay, and shall from time to time prescribe rules and regulations under which it may be used, and may define the circumstances under which the harbor master shall grant permits to vessels to enter and use the same when drawing more than twelve feet of water, and forbid the use thereof by vessels of such draft without such permit; Provided, it shall be the duty of the officers charged with the appointment of port-wardens on the first day of September of each year or as soon as practicable thereafter, to fix the maximum draft at which any vessel may proceed through the channel, and to so instruct the harbor master.

SEC. 13. Be it further enacted, That if any person in any manner, by his negligence or wantonly, shall damage Damage to any ship channel, natural or artificial, in the river or bay channel. of Mobile, or if any person shall damage any beacon stake, piling or other thing, or channel mark, used in connection with the navigation thereof, he shall be required by the harbor master to repair such damage, and on failure to do so within ten days after such notice, the offender forfeits five hundred dollars, to be recovered with costs in any court of competent jurisdiction at the suit of the harbor master or an informer, the recovery to be ap-. plied under the direction of the harbor master, first to

the repair of the damage so done, and the surplus, if any, to go to the informer.

SEC. 14. Be it further enacted, That the owner, master or consignee of a vessel, or the owner or consignee of a cargo, requesting in writing the service, shall for said service rendered, on said written request, and not otherwise, pay the harbor master and port wardens the following fees: For every survey of the hatches or of storage of the cargo of a vessel, three dollars, and an additional one dollar for the expense of giving the notice. For every survey of damaged cargo, cotton or merchandise, ten dollars. For every survey of a vessel, ten dollars. For attending, directing and certifying the sale of damaged cotton or merchandise, fees as follows: On sums not exceeding two hundred dollars, five per cent; on those not exceeding five hundred dollars, five per cent. on the first two hundred, and two per cent. on the remainder; on those exceeding five hundred and not exceeding one thousand dollars, five per cent. on the first two hundred, two per cent. on the next three hundred, and one per cent. on the remainder. On those exceeding one thousand dollars, the above fees up to the first thousand dollars, and one-quarter of one per cent. on the remainder. Fees.

SEC. 15. Be it further enacted, That on the neglect or refusal of the harbor master, or warden acting at any time pro tempore as harbor master, promptly to perform his duties imposed by this act, or those required to be done on the request of the owner, master or consignee of any cargo, or of a person or authority controlling any wharf in Mobile river, or on his exacting, demanding or receiving any fee or emolument other than his regular salary for any service for which a fee is not herein specifically given or prescribed, or exacting, demanding or receiving from any person or vessel any fee whatever for doing or performing any of the services for which fees are in this act prescribed, where the service was done or performed without the actual request of the person from whom the fee is demanded or received, or on his accepting any gift, or gratuity, or pay or reward other than his lawful salary and fees under this act, from any person owning controlling or being interested in any ship or other vessel, or wharf or transportation line or company, or in any cargo or ballast arriving or departing from Mo- Offenses and penalty.

bile or Mobile river and harbor, such harbor master, or acting harbor master, so offending, shall be fined by the mayor of Mobile not exceeding fifty dollars for each such offense, to be collected and paid into the treasury of the city of Mobile, as other fines imposed by the mayor are, and said officer who shall be guilty of doing any such acts which are hereby declared unlawful, to be removed by the officers charged with the appointment, whose action in so removing such officer shall be final.

Disposition of receipts.

SEC. 16. Be it further enacted, That all revenues arising to the harbor master and wardens under the provisions of this act, and as commissioners of pilotage, shall constitute one fund and be applied, first, to the payment of expenses of printing and distributing all papers necessary to make known the laws and rules governing the harbor and river Mobile, and vessels and crews corning into it. And it shall be the duty of the harbor master to cause to be printed from time to time, and to keep posted in his office and in all ship chandlers' and ship brokers' offices, and in the chamber of commerce and cotton exchange, the laws and rules governing him and the river and harbor of Mobile. Second, to the payment of office expenses; and the residue shall be divided as follows: One-third to the city treasury and the remaining two-thirds of the residue to the port wardens, excluding the harbor master. The harbor master shall receive a salary from the city of Mobile of twelve hundred dollars ($1,200) per annum, payable monthly in the same manner as salaries of other municipal officers. It shall be the duty of the city clerk to audit the harbor master's accounts, and see that the amount received for dues after paying expenses as provided, be paid into the city treasury and to wardens as provided. The clerk shall make quarterly reports to the mayor of the collection and disbursement of said fees.

Salary.

Repeal.

SEC. 17. Be it further enacted, That the statutes contained in chapter one (1) of the regulations of the harbor of Mobile, published and promulgated pursuant to the act to provide for the publication and distribution of the Code of Alabama, approved February 21, 1887, and all acts amendatory of said statute, and all other laws in conflict with this law, are hereby repealed,

Approved February 28, 1889.

No. 581.] AN ACT [H. B. 599

To repeal an act entitled an act to authorize and require the county superintendents of education of the counties of Lamar, Fayette and Marion to pay the teachers of public schools monthly.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled at act. to authorize and require the county superintendents of education of the counties of Lamar, Fayette and Marion to pay the teachers of public schools monthly, approved December 11th, 1886, be and the same is hereby repealed. Repeal, etc.

Approved February 28, 1889.

No. 582.] AN ACT [H. B. 869

For the relief of G. N. Buchannan, of the county of Pike.

Whereas, G. N. Buchannan did pay State and county taxes on certain property situated in Pike county, for the years 1883, 1884 and 1885, amounting in the aggregate to sixty-four dollars, for which he holds the tax collector's receipt; and,

Whereas, by decision of the chancellor, he was required to pay said taxes again to Mrs. Jane Cosby, who it appeare had also paid the taxes on the same property for the same years ; therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That the auditor is hereby authorized and required to draw his warrant upon the treasurer for the sum of twenty-nine dollars and twenty-five cents, the amount collected for the use of the State, in favor of G. N. Buchannan, together with the accrued interest thereon. Relief

SEC. 2. Be it further enacted, That the board of commissioners of Pike county is hereby authorized to draw a warrant upon the county treasurer for the sum of thirty-four dollars and seventy-five cents, the amount of county taxes paid by said G. N. Buchannan daring the

years 1883, 1884 and 1885, together with the accrued interest thereon.

Approved February 28, 1889.

No. 583.] AN ACT [H. B. 987

For the relief of B. F. Noble, of Montgomery county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an appropriation of forty-five dollars be and the same is hereby made for the relief of B. F. Noble, for taxes erroneously collected from him by the tax collector of Montgomery county during the tax year 1885.

Relief

SEC. 2. Be it further enacted, That the amount of money named in the foregoing section shall be paid out of any funds in the treasury not otherwise appropriated, and that the State auditor be and he is hereby authorized and required to draw his warrant on the treasurer for the amount named in section one of this act.

Approved February 28, 1889.

No. 584.] AN ACT [H. B. 842.

To amend section 2 of an act entitled an act to authorize and empower the court of county commissioners of Lee and Pickens counties to settle the bonded indebtedness of said counties issued for or on account of stock subscribed to railroad companies, approved February 23, 1883:

—Be and the same is hereby amended so as to read as follows : SECTION 2. Be it further enacted, That in order to make the settlement heretofore described, the said court of county commissioners of Lee and Pickens counties are hereby authorized to issue bonds or other evidences of indebtedness in sums not less than two dollars or more than five hundred dollars, such bonds or other evidences of indebtedness having such time to run, and payable at such places, and drawing such rate of interest, not to exceed eight per cent per annum

May issue bonds.

as the court of county commissioners may deem proper. Said bonds or other evidences of indebtedness shall be Signed by the probate judge and treasurer of said counties, which bonds or other evidences of indebtedness may be given in exchange for said outstanding indebtedness hereinbefore described or for money borrowed to settle said indebtedness.

Approved February 28, 1889.

No. 585.] AN ACT [H. B. 991.

To incorporate the male and female accademy located in the town of Leighton, Lawrence county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That P. W. G. Rand, James W, Abernathy, Panl S. King, William McCormack, John W. Rex, James H. Spangler, Fox Delona, Robert Campbell, Edgar Rand, Hugh J. Stevenson, C. M. Wright, J. L. Walker, Henry Gorgis, be and they are hereby constituted a board of trostees, to be known as the board of trustees of the Leighton Male and Female Academy. Corporators. Name.

SEC. 2. Be it further enacted, That all rights, powers and privileges, and immnnities, are hereby granted to said school, that are granted to any other school of like nature within the State of Alabama. Rights, powers etc.

SEC. 3. Be it further enacted, That the said trustees and their successors shall have power to elect from time to time one of their own members as president, also vice-president and one as secretary and also treasurer; to define the duties of each and exact from the treasurer a sufficient bond for the faithful performance of his duty. They shall also have power to procure and select suitable and competent teachers, prescribe the course of study, fix terms of tuition and grant diplomas of scholarship in and for said institute in such manner as they may deem proper, and they shall have full and ample power to pass all such by-laws, rules and regulations that they may deem necessary and proper for the management and government of said corporation and school; Provided, the same be in conformity with the constitution and laws of this State and the constitution of the United States.

SEC. 4. Be it further enacted, That said corporation, by its corporate name, shall be and is hereby made capable of sueing and being sued, pleading and being impleaded in law or equity, of contracting and being contracted with, of taking and receiving subscriptions and donations of money or any kind of property, whether real or personal for the use of said institute, of owning and holding all moneys or property that may have been given or may hereafter be given or subscribed in trust for the use of said institute, to an amount not exceeding the sum of twenty-five thousand dollars, free and exempt from all taxation and payment of taxes, so long as the same shall be used under the provisions of this act; and said trustees shall have power to receive deeds and titles for the same and to sell and convey the 8amc, and to make and enter into all such contracts, agreements, and make all such investments as they may deem needful and proper to carry out the provisions of this act.

SEC. 5. Be it further enacted, That a majority in number of said trustees shall constitute a quorum for the transaction of all ordinary business, but it shall require the concurrence of two-thirds of their number to make choice of the principal teacher fn said institute or to dispose in any manner of the moneys and said property of said corporation above the value of one hundred dollars.

Approved February 28, 1889.

No. 586.] AN ACT [H. B. 886.

To incorporate the Vernon Institute.

SECTION 1. Be it enacted by the General Assembly of Alabama, That there shall be established in the town of Vernon, in the county of Lamar, a school of high grade to be known as "The Vernon Institute," and that W. L. Morton, L. M. Wimberly, T. B. Nesmith, W. D. Middleton and J. D. McClesky and their associates and successors in office be and they are hereby declared a body corporate and politic by the name and style of the Board of Trustees of the Vernon Institute, and as such shall be capable of suing and being sued, pleading and being impleaded, and to have and

Corporators.

Name.

to use a common seal, to break, alter or amend the same at pleasure.

SEC. 2. Be it further enacted, That the said board of trustees, their associates and successors in office under such rules and regulations as they may establish, shall have power to elect a president and such other officers of their body as they may think proper; and for the use and benefit of said seminary shall be capable of acquiring by purchase or otherwise, of accepting, receiving and being invested with all manner of property, real and personal, and also donations, gifts and grants, and to sell and dispose of the same as they think proper ; Provided, that the property so held shall not at any one time exceed the sum of forty thousand dollars. Rights, powers etc.

SEC. 3. Be it further enacted, That the said board of trustees, their associates and successors in office, or a majority of them, shall be and are hereby authorized to grant diplomas and certificates or other evidences of scholarship, and to pass such by-laws, rules and regulations for the government of their body and said institute as may be deemed necessary; Provided, such rules and regulations shall not be repugnant to the constitution or laws of the State of Alabama.

Approved February 28, 1889.

No. 587.] AN ACT [H. B. 973

To regulate the finance of Montgomery county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the clerk of the board of revenue of Montgomery county to procure and keep one or more well bound books, in which he shall enter all payments made to or for the benefit of the county of Montgomery, stating the name of the person by whom each such payment is made, the amount and date of each such payment, and for what or on what account each such payment was made. Duty of clerk of board of revenue.

SEC. 2. Be it further enacted, That the payment made for or on account of the fine and forfeiture fund of said county, shall be kept separate from the pay-

ments made on account of the general fund of the county, until claims against such fine and forfeiture shall be worth their face value, and so soon as claims against the fine and forteiture fund are worth their face value, then all moneys belonging to such fund shall be paid into and form part of the general fund of the county, and claims against the fine and forfeiture fund shall afterwards be paid just as any other claims against the county are now paid.

SEC. 3. Be it further enacted, That the fund kept separately on the books of said county, as the costs of prosecution fund, shall be kept separate and apart as now managed, until such time as claims against said fine and forfeiture fund shall be worth par value, when the said costs of prosecution fund shall be transferred to and form part of the general fund of said county, and claims against it shall afterwards be paid just as claims against the general fund are now paid.

SEC. 4. Be it further enacted, That whenever any person shall pay any money to or for the benefit of the county of Montgomery, he shall demand from the treasurer or such other person to whom he may pay any money, duplicate receipts, one of which he shall deliver to the said clerk of the board of revenue of Montgomery county; and no payment of money by any person to such county, shall be held as valid until said receipt is filed with said clerk.

Duties of any person paying money for county.

SEC. 5. Be it further enacted, That as claims against said fine and forfeiture fund are worth their face value, then the pay of all witnesses summoned on behalf of the State, shall be one dollar per day, and shall be paid as jurors are paid, and witnesses before the grand jury shall duly be paid mileage, according to the present rate of mileage.

Witness.

SEC. 6. Be it further enacted, That said clerk of the board of revenue shall receive as compensation for the increased labor imposed upon him by this act, such sum per month as shall be allowed by the said board of revenue of Montgomery county, to be paid in addition to the salary now allowed him by law.

SEC. 7. Be it further enacted, That all laws and parts of laws in conflict with the provisions of this act, be and the same are hereby repealed.

Approved February 28,1889.

No. 588.] AN ACT [H. B. 306

To incorporate the Selma Park Association.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Harvey L. McKee, Simon Mass, Horace H. Stewart, Hugh S. D. Mallory, Benj. J. Schuster and Charles H. Lavender, together with such other persons as may be associated with them, and their successors be, and they are hereby made and constituted a body corporate, under the name and style of Selma Park Association, and by that name may sue and be sued, contract and be contracted with, purchase, own, hold and enjoy real and personal property, and to lease, mortgage, sell, or otherwise dispose of the same; to have a common seal, and the same to alter; change or reuew at its pleasure, and generally to do and perform any and all acts necessary or pertinent to the objects of the corporation, uot contrary to the laws of the land.

Corporators.

Name.

Rights, powers etc.

SEC. 2. Be if further enacted, That the objects and purposes of this corporation, are to establish and sustain a place or places of public resort in the county of Dallas, in this State; and said corporation shall have the power to make all rules and regulations for the government of such resorts, and to enforce the same, and to establish and enforce a park police in all such resorts; and the policemen selected and employed therein shall have the powers of policemen of municipal corporations of this State.

Police powers.

SEC. 3. Be it further enacted, That all acts committed in said resorts, or any of them, against public morality, law, decency or order, which if committed in the city of Selma, would be a violation of the penal code of said city, are hereby declared to be misdemeanors and punishable as such, before the courts in Dallas county; and the mayor or acting mayor of the city of Selma, may try, and punish such offenders.

SEC. 4. Be it further enacted, That said company may borrow money, and may mortgage its property to secure the payment of the same.

SEC. 5. Be it further enacted, That said company may sell all or any part of its property.

SEC. 6. Be, it further enacted, That said company may charge and collect entrance fees to its grounds or re-

sorts, and may charge and collect for the use of its property, or any part thereof, and may have and maintain places of entertainment, amusement and refreshment therein, and receive and collect charges therefor.

SEC. 7. Be it further enacted, That said company may determine its capital stock, and from time to time increase or decrease the same, the number of shares into which the same shall be divided, the manner in which the shares shall be taken, held and transferred.

SEC. 8. Be it further enacted, That said company may adopt and enforce rules, regulations and by-laws for its government and operation, not contrary to law, and determine and select its officers and agents, and their duties.

SEC. 9. Be it further enacted, That the principal place of business of said corporation shall be in the city of Selma.

Approved February 28, 1889.

No. 589.] AN ACT [H. B. 1027

To preserve order at the Douglassville camp ground, in the county of Escambia.

SECTION 1. Be it enacted by the General Assembly of Alabama, that the board of trustees and the bona fide , Police powers. tent-holders of the Douglassville camp ground in Escambia county, shall have the right to pass such rules and regulations as they may deem proper to preserve order and to regulate or prohibit the vending of any article within one-half of a mile of said camp ground, during the time of service; at said camp ground.

SEC. 2. Be if further enacted, That the bona fide tent-holders of said camp ground respectively, shall have the right to appoint a marshal or policeman whose duty it shall be to enforce the laws of said camp ground.

SEC. 3. Be it further enacted, That the bona fide tent-holders of said camp ground, respectively, shall Intendant. have the right to appoint a suitable person as au intendent of such camp ground, whose duty it shall be to enforce the laws of said camp ground.

SEC. 4. Be it further enacted, That any person violating any law or by-law of said camp ground shall, upon conviction, be fined not less than one nor more than ten dollars, or imprisoned, at the discretion of the intendant, not exceeding forty-eight hours. Penalty.

SEC. 5. Be it further enacted, That any person violating section one of this act, is guilty of a misdemeanor, and shall, upon conviction, be fined not less than one nor more than one hundred dollars, at the. discretion of the court or jury trying the same.

Approved February 28, 1889.

No. 590.] AN ACT [H. B. 780

To repeal an act entitled an act to define the county line between Dallas and Perry counties, approved December28, 1868. Repeal.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to define the county between Dallas and Perry counties, approved December 28, 1868, be and the same is hereby repealed.

Approved February 28, 1889.

No. 591.] AN ACT [H. B.989

To amend the title and also sections one and five of an act to authorize the mayor and board of aldermen of the city of Gadsden to negotiate a loan for lighting said city either by gas or electricity; for drainage, sewerage and for sanitary purposes and to issue bonds for the payment of the same, approved February 28, 1887.

SECTION 1. Be it enacted by the General Assembly of Alabama, that the title and also sections one and five of au act to authorize the mayor and board of aldermen of the city of Gadsden, to negotiate a loan for lighting said city by either gas or electricity, for

drainage, sewerage, and for sanitary purposes and to issue bonds for the payment of the same, approved February 28,1887, be and the same are hereby amended so as to read as follows, to-wit: An act to authorize the mayor and board of aldermen of the city of Gadsden to negotiate a loan for lighting said city either by gas or electricity; for drainage, sewerage and sanitary purposes and also for educational purposes and to issue bonds for the payment of the same.

SEC. 2. Be it enacted by the General Assembly of Alabama, That the corporate authorities of the city of Gadsden, in the county of Etowah, be and they are hereby authorized and empowered to borrow and expeud, not exceeding; the sum of one hundred thousand dollars, for the purposes of and to be expended and applied exclusively to the proper and necessary drainage of said city; for sewerage and sanitary purposes ; for lighting said city by gas or electricity, and for educational purposes.

May issue bonds.

SEC. 3. Be it further enacted, That all bonds issued under this act shall be sold only for cash, and the money raised by the sale or negotiation of said bonds shall be used exclusively for the objects and purposes named in section one of' this act.

Approved February 28,1889.

No. 592.] AN ACT [H. B. 823

For the relief of George B. Fellows, as the administrator of the estate of H. D. Fellows, deceased.

Whereas, H. D. Fellows, in his life-time, did take out and pay for a license as peddler in a wa.gon, for which he paid the State of Alabama the sum of forty dollars on January 26, 1881; And whereas, the Supreme court of Alabama in the case of Vines against the State in 67 Alabama, page 73, decided the law under which said license was taken out, to be unconstitutional, therefore

SECTION 1. Be it enacted by the General Assembly of Alabama, That the auditor of the State of Alabama is required to draw his warrant on the treasurer of

said State of Alabama, for said sum of forty dollars, payable to George B. Fellows as the administrator of the estate of H. D. Fellows, deceased, to refund to the estate of H. D. Fellows now deceased, the money paid for said license, taking his-receipt therefor ; and the treasurer of said State is hereby required to pay said warrant to said George B. Fellows, administrator aforesaid, on presentation of the same. Relief.

Approved February 28, 1889.

No. 593.] AN ACT [H. B. 671

Ratifying, approving and confirming the action of the mayor and aldermen of Birmingham in authorizing and allowing the Caldwell Hotel Company to occupy with their hotel building; a portion of one of the public alleys in the city of Birmingham.

Whereas, On the 7th day of July, 1886, the mayor and aldermen of Birmingham adopted a resolution which is as follows, to-wit: Resolved, That the Caldwell Hotel Company be authorized and allowed to occupy with their hotel building the following part of the alley between First and Second avenues in block one hundred and two (102) in the city of Birmingham, viz : A strip on the south side of said alley fronting; four feet on the east side of Twenty-second street and running back eastward one hundred and thirty-five (135) feet, and

Whereas, After the adoption of said resolution by the said mayor and aldermen, and in pursuance thereof, the Caldwell Hotel Company did erect in the said city of Birmingham their hotel building on said part of said alley ; now, therefore,

SECTION 1. Be it enacted by the General Assembly Alabama, That the action of the mayor and aldermen of Birmingham in authorizing and allowing; the Caldwell Hotel Company to occupy with their said hotel building said port.ion of said public alley in the city of Birmingham, be and the same by hereby in all things ratified, approved and confirmed; and said Caldwell Ratified, etc.

Hotel Company are authorized and allowed to keep and maintain their said building in and upon said portion of said alley.

Approved February 28, 1889.

No. 594.] AN ACT [H. B. 559

To amend section 11 of an act entitled an act to better enforce the working of public roads in the counties of Montgomery and Hale, approved February 23, 1883, as amended by an act entitled an act to amend an act entitled an act to better enforce the working of the public roads in the counties of Montgomery and Hale, approved February 23, 1883, so far as the same relates to Hale county, approved February 12, 1885, so far as the same relates to Hale county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 11 of an act entitled an act to better enforce the working of the public roads in the counties of Montgomery and Hale, approved February 23, 1883, as amended by an act entitled an act to amend an act entitled an act to better enforce the working of the public roads in the counties of Montgomery and Hale, approved February 12, 1885, be and the same is hereby amended so as to read: Section 11. Be it further enacted, That all persons not less than eighteen nor more than forty-five years of age are liable to work the public roads, except the females, and all disabled persons who shall procure such certificate of disability from some licensed practicing physician, and all persons who are pupils of any public or private school when apportioned to the overseer of any road, or when called upon to perform road duty, and all laws or parts of laws in conflict with this section are hereby repealed.

Exemptions from road service

Approved February 28, 1889.

No. 595.] AN ACT [H. B. 952

To pay Robert Hasson, doorkeeper of the House, and James Armstrong, doorkeeper of the Senate, for articles purchased for the use of the Senate and House of Representatives.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the sum of eighty-one 10-100 dollars be appropriated to pay Robert Hasson for articles purchased for the use of the house of representatives, and the sum of one hundred and 40-100 dollars be appropriated to pay James Armstrong for articles purchased for the use of the Senate. Appropriation.

SEC. 2. Be it further enacted, That the auditor is hereby authorized and required to draw his warrant on the treasurer for the amount set forth, and in favor of the parties therein mentioned.

Approved February 28,1889.

No. 596.] AN ACT [H. B. 318

To incorporate the Covington and Escambia Alliance Navigation and Transportation Company.

SECTION 1. Be it enacted by the General Assembly of Alabama, That 8. W. Douglas, Jacob L. McGowan, J. W. Sillman, G. W. Wyatt, S. 0. Spicer, S. P. Barron, M. V. Hare, Middleton Riley and B. M. Clary, incorporators, and their successors, and such other persons as may hereafter be associated with them and their successors, be, and they are hereby constituted a body corporate by the name and style of the Covington and Eacambia Alliance Navigation and Transportation Company, and by that name may hold, purchase and construct machinery, boats, wharves and buildings of whatever kind, nature, quality or numbers, and to procure, have and hold such lands, tenements, hereditaments, profits, rents, goods, or property of whatever kind, nature, quality or quantity, as may by them be deemed necessary in carrying on the business of a general manufacturing, navigation, transportation and Corporators. Name. Rights, powers etc.

mercantile company. They shall also have power to sue and be sued, to plead and be impleaded. They may have a common seal, and alter the same at pleasure. They may elect such officers and enact such laws and adopt such ordinances as may be necessary for the organization, government and successful operation of the company, not inconsistent with the laws of Alabama; and in general may have such powers, privileges and immunities as belong to like corporations.

SEC. 2. Be it further enacted, That the capital stock of said company shall be ten thousand dollars ($10,000.00), with the privilege of increasing the same to
Capital stock. fifty thousand dollars ($50,000), and to this end, and for the uniform and better regulation of the affairs of this company, they shall have the privilege of prescribing the number of shares into which the capital stock shall be divided ; the method by which it shall be taken, paid, transferred and assigned, the manner in which the stockholders shall cast their votes, and the number of votes to which each share shall be entitled.

SEC. 3. Be it further enacted, That the said company is hereby authorized and empowered to issue bonds and to contract for buildings, boats, lands and tenements in Covington and Escambia counties, at any point or points north or east of the Alabama and
Powers. Florida line ; and to stock such buildings, lands and tenements with all the machinery and appliances necessary to manufacture by the power of water, steam or other motive power whatsoever that ,they may see fit, and in whatsoever kind, quality, number or quantity. And the said company may erect and build vessels to be propelled by steam or other motive power; remove bed obstructions to navigation on the Escambia or Conecuh rivers from Bullock Ferry to its mouth ; and manufacture all material incident or necessary to said business. They may deal in wool, silk, hemp, provisions, and general merchandise of every kind, nature, quality and quantity ; and said company is authorized to commence the construction of their works and the operation of their business when the sum of one thousand dollars ($1,000) shall have been paid into the capital stock ; and all the powers and.

privileges granted by this act are hereby conferred when the said sum of one thousand dollars shall have been subscribed and paid in.

SEC. 4. Be it further enacted, That the persons named in this act, or a majority of them, may open books to receive subscriptions to the capital stock of said company, at such times and places as they may appoint, giving reasonable notice, and receive subscriptions under such regulations as they may adopt. Subscriptions.

SEC. 5. Be it further enacted, That the government of said company shall be vested in a board of directors not exceeding nine (9) in number, who shall be elected by the stockholders, and who shall hold their office for one year and until their successors are elected, five of whomshall constitute a quorum. Said board shall elect one of their number, who shall be president of the company ; and shall also elect a secretary and treasurer, and such other officers as they may deem necessary, requiring bonds in all cases where money or other valuable property shall be confided to the care of such officers. Directors.

SEC. 6. Be it further enacted, That no stockholder of the corporation shall be individually liable for the debts of the corporation beyond his interest in the property and effects of the corporation after his stock shall have been fully paid.

SEC. 7. Be it further enacted, That in order to facilitate the ends of this corporation, when ODO thousand dollars are subscribed and paid in, the board of directors may commence and complete one or more vessels to be propelled by steam or other motive power; and all the rights and privileges of a general transportation company shall be conferred when the said sum of one thousand dollars is subscribed and paid in; and to this end the board may open separate subscription books and issue separate stock certificates from the manufacturing department.

Approved February 28, 1889.

No. 597.] AN ACT [H. B. 790

To change the name of the town of Brundidge, Pike county, Alabama.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the name of the town of Brundidge, Pike county, be and the same is hereby changed to that of Woolfolk.

Name changed

Approved February 28, 1889.

No. 598.] AN ACT [H. B. 974

For the relief of R. G. Allen, as administrator of W. G. Allen, deceased, late sheriff of Clarke county.

Whereas, W. G. Allen, deceased, late sheriff of Clarke county, expended certain sums of money during his term of office in the payment of bailiffs to subpoena witnesses before the grand juries of said county, for which he has never been compensated, and

Whereas, R. G. Allen has been appointed administrator of the said W. G. Allen; therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That the, commissioners court of Clarke bounty are authorized and hereby empowered, whenever the said R. G. Allen shall make affidavit to the best of his knowledge and belief, of the amounts expended by the said W. G. Allen, deceased, in the payment of bailiffs as aforesaid, to inquire into and ascertain the amount so expended, and to grant an order for said amount so ascertained, upon the county treasurer in favor of R. G. Allen as administrator of W. G. Allen, deceased, which shall be paid as other claims against said county; Provided, this act shall not be construed to compel the commissioners court to pay these claims.

Relief.

Approved February 28, 1889.

No. 599.] AN ACT [H. B. 1030

To amend section 12 of an act entitled an act to establish a new charter for the town of LaFayette, in the county of Chambers, approved February 26, 1881.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section 12 of the act entitled an act to establish a new charter for the town of Lafayette, in the county of Chambers, approved February 26, 1881, and which said section is in words and figures, viz: Section 12. Be it further enacted, That said corporation shall have power, in addition to the special taxes hereinbefore authorized, to levy an annual tax for the purpose of defraying the expenses of said corporation, not exceeding; one-half of one per cent. on the assessed value of the property taxed in any one year, and to collect and enforce the payment of said tax according to the provisions of this act, the following; property, to-wit: All real and personal property, all stocks in trade, solvent notes and accounts, certificates of deposit, money hoarded or out at interest, judgment bonds or other obligations for money, and all species of property not herein specifically enumerated within the corporate limits of said town, whether owned by individuals, corporations or partnerships, or held by any person in his, her or their own right, or the right of any other person or persons as agents, or in any capacity, except such property as may be exempt from taxation by the laws of the State of Alabama—be and the same is hereby amended so that the same shall read as follows, to-wit: Section 12. Be it enacted, That said corporation shall have power, in addition to the special tax hereinbefore authorized, to levy an annual tax for the purpose of defraying the expenses of said corporation and maintaining public schools in said town, not exceeding one-half of one per cent. on the assessed value of the property taxed in any one year, and to collect and enforce the payment of said tax according to the provisions of this act, on the following property, to-wit: All real and personal property, all stocks ins trade, solvent Dotes and accounts, certificates of deposits, money hoarded or out at interest, judgments, bonds, or other obligations for money, and all species

Tax for expenses and public schools.

of property not herein specifically enumerated within the corporate limits of said town, whether owned by individuals, corporations or partnerships, or held by any person in his or her own right or the right of any other person or persons as agent, or in any capacity, except such property as may be exempted from taxation by the laws of the State of Alabama.

Approved February 28, 1889.

No. 600.] AN ACT [H. B. 772

To incorporate Woodstock Academy, in Bibb county.

SECTION 1. Be It enacted by the General Assembly of Alabama, That A. "W. Hayes of Woodstock, Alabama, be and he is hereby created a corporation, sole and body politic, with the power of succession, to continue for the period of twenty-five years, and that the successors of the said A. W. Hayes shall have all the corporate powers and privileges herein conferred upon him.

Corporation.

SEC. 2. Be it further enacted, That the name of said corporation shall be "Woodstock Academy," and its domicil and place of business shall be at Woodstock, Alabama, and that the said incorporator and his successors shall have power under and by said corporate name to organize, maintain and carry on a school for the education of males and females of the white race, and to grant literary degrees and diplomas to all persoris who shall complete the course of study which shall be adopted by said school, and to do and perform all other acts and things which are or may be necessary aud proper in carrying out the purposes of said school.

Name.

Rights, powers etc.

SEC. 3. Be it further enacted, That the said A. W. Hayes, and his successors, are hereby empowered to organize and employ a regular faculty of teachers in said school, and to maintain the same, and the incorporator, or his successors, are hereby mad^ the principal of said school, and the president of its faculty; and no literary degree shall be conferred, nor any diploma granted, without the consent of a majority of

said faculty as constituted at the time said degree shall be conferred or said diploma shall be granted.

SEC. 4. Be it further enacted, That the said A. W. Hayes, or his successors, shall have power under said corporate name, to organize, have, OWD, receive and possess by gift, grant, purchase, devise, bequest or otherwise, real and personal property to the value of twenty-five thousand dollars, and shall have power to dispose of said property by sale, grant or otherwise, and shall have such other rights and powers as are granted to private corporations under existing laws.

SEC. 5. Be it further enacted, That this act shall take effect from and after its passage.

Approved February 28, 1889.

No. 601.] AN ACT [H. B. 415

To prevent hunting and fishing on lands within the "Warrior agricultural district, Tuscaloosa county, after the owner thereof shall have forbidden the same by notice posted on lands within the Warrior agricultural district, Tuscaloosa county, or by publication in a newspaper.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the owner or person in possession of any land within the Warrior agricultural district, Tuscaloosa county, may forbid hunting and fishing thereon by publicatlion -for three successive weeks in a newspaper published in the county in which such lauds within the Warrior agricultural district, Tuscaloosa county, is situated, or by putting up in at least three conspicuous places on the land within the Warrior agricultural district, Tuscaloosa county, a wooden sign-board inscribed with large letters plainly painted or written, as follows: "This land is posted," with the date. Posting Land.

SEC. 2. Be it further enacted, That any person who shall, without the consent of the owner or person in possession of such land, hunt or fish on land so posted or advertiscd, or enter thereon for the purpose of hunting or fishing, shall be deemed guilty of a misdemeanor, and upon conviction thereof, must be fined not less than five

nor more than one hundred dollars; Provided, this act shall apply to land only within the Warrior agricultural district, in Tuscaloosa county. Sections 25, 35 and 36 in township 21, range 2 east; sections 30, 31 and 32, township 21, range 3 east; sections 5 and 6, townsip 20, range 3 east; sections 1, 2, 11, 12, 13, 14, 23 and 24, township 20, range 2 east; and sections 17, 18, 19, 20, 28, 29, 30, 31, 32 and 33, township 20, range 3 east, all said lands lying on the west side of the Warrior river, in the county of Greene, in the State of Alabama.

SEC. 3. Provided, however, That justices of the peace shall have jurisdiction of offenses under this act.

Approved February 28,1889.

No. 602.] AN ACT [H. B. 972

To require the probate judge of Hale county to make indexes direct and cross to all deeds and other conveyanccs recorded in his office, setting out names of each grantor and grantee, and providing his compensation for same.

SECTION 1. Be it enacted by the General Assembly of Alabama, That it shall be the duty of the probate judge of Hale county, Alabama, to make direct and reverse in-
Indexes. dexes to all conveyances recorded, and that may be recorded hereafter in his office, setting out the name of each grantor and grantee.

SEC. 2. Be it further enacted, That the probate judge shall be entitled to five cents for each name so indexed above three for each conveyance, such fees to be paid by
Fees. the person or persons offering the conveyance for record; Provided, that the fees for conveyances heretofore recorded shall be paid by the county of Hale; Provided, that the indexes for chattel mortgages, heretofore recorded, shall begin with January 1, 1878.

Approved February 28, 1889.

No. 603.] AN ACT [H. B. 663

To fix the pay of the county commissioners of Jefferson county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act the pay of the county commissioners of Jefferson county shall be five dollars per day for each day of actual service rendered, and they shall receive five cents per mile for each mile traveled in going and coming to and from the place of holding the commissioners court.

Pay of commissioners.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act by and the same are hereby repealed.

Approved February 28, 1889.

No. 604.] AN ACT [H. B. 455

To authorize the mayor and general council of the city of Mobile to license and regulate the use of mechanical motors upon the street and suburban railways within the city limits.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the mayor and general council o£ the city of Mobile may, whenever they think the public convenience can thereby be best subserved, grant to any street railway, suburban railway, now or hereafter operating a railroad in the city of Mobile, for the purpose of conducting what is generally known as either a street, suburban or dummy railway line, to use within the limits of said city any gas, naptha, compressed air, electric, steam or other mechanical motors for propelling cars over such lines, which said mechanical motors shall be operated under such rules and regulations for the safety of passengers and the general public as may be prescribed by the laws of this State and by the ordinances of said city now in existence or hereafter enacted; Provided, that no such motors shall be allowed to run within the city limits east of Broad street, or north of Texas street, or south of Beauregard street, at a greater rate of speed

Power for street railroads.

Speed.

than eight miles an hour, nor shall said motors be allowed to run within the city limits west of Broad street, or south of Texas street, or north of Beauregard street, at a greater rate of speed than ten miles an hour.

Approved February 28, 1889.

No. 605.] AN ACT [H. B. 700

To authorize the county treasurer of Marshall county to re-register certain claims against the fine and forfeiture fund of said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the county treasurer of Marshall county is hereby authorized to re-register all claims that were legal claims against the fine and forfeiture fund of said county on the 12th day of February, 1885, or which have accrued since that date, and the registration of such claims shall make them valid claims against the fine and forfeiture fund, and may be used in payment of any fines and forfeitures going to said county.

Claims against fine and forfeature fund.

SEC. 2. Be it further enacted, That all laws and parts of laws in conflict with this act be and the same are hereby repealed.

Approved February 28, 1889.

No. 606.] AN ACT [H. B. 945

To amend section six of an act entitled an act to incorporate the town of Dadeville, in Tallapoosa county, approved January. 16, 1879.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section six of an act to incorporate the town of Dadeville, in Tallapoosa county, approved January 16, 1879, be amended so as to read as follows; Section 6. Be it further enacted, That on Wednesday after the first Monday in June, 1889, and each year thereafter, a city marshal shall be elected by the duly qualified electors living within the incorporate limits of said town,

whose term of office shall be for one year and until his successor shall be elected and duly qualified, and any one who has resided six months in Tallapoosa county, and is a legal voter for members of the general assembly of Alabama, shall have the qualification of marshal. The marshal shall or may be removed from office at any time for misconduct or neglect of duty, to be adjudged of by the mayor and council, and in all instances, before entering upon the duties of his office, shall take and subscribe the oath of office as required by civil officers of this State. The salary of said marshal shall be fixed by the council, and the provisions for the election of a mayor and council, provided in said original act, shall apply to the election of marshal under the provisions of this act; Provided, that John T. Jones, the present marshal, be and he is by this act constituted the marshal of said town from the third Saturday in March, 1889, until a marshal shall be elected under the provisions of this act.

Election of marshal.

Approved February 28, 1889.

No. 607.] AN ACT [H. B. 776

To authorize Mrs. Joan R. Vance, widow of John M. Vance, deceased, to sell certain lands in Tuscaloosa and Bibb counties belonging to the estate of the said Jno. M. Vance, deceased, at private or public sale, as may be deemed for the best interest of said estate.

SECTION 1. Be it enacted by the General Assembly of Alabama, That Mrs. Joan R. Vance, widow of John M. Vance, deceased, be and is hereby authorized to sell the land belonging to the said John M. Vance in Tuscaloosa and Bibb counties, at private or public sale, as may be deemed best for the interest of said estate.

Authority to sell land.

SEC. 2. Be it further enacted, That said sale shall be reported under oath, as all other sales by administrators, to the judge of the probate court of Bibb county, to be by him approved and confirmed as now provided by law.

Approved February 28, 1889.

No.608.] AN ACT [H. B. 468

To provide for the better policing of Frascati Park, in the city of Mobile and its environs, and for the better protection of visitors thereto.

SECTION 1. Be it enacted by the General Assembly of Alabama, That the Mobile Street Railway Company, its successors, lessees and assigns shall have the right to establish rules for the government of the employes and visitors at Frascati Park, on the Bay Shore road, in Mobile, and to exclude from said grounds all drunken, disorderly, mischievous, lewd or other improper person or persons, who may by the rules and regulations of said company be prohibited from entering or remaining in said grounds; that the keeper of said park, and his assistants, shall have and exercise within the following limits, viz : George street on the north, Old Choctaw Road on the east, the channel of Mobile Bay and Parham street or Lane on the south, and Washington avenue on the west, all the authority and power conferred upon police officers of the city of Mobile by the charter of said city, or by this act, or by the ordinances passed thereunder.

Police powers.

SEC. 2. Be it further enacted, That any person who shall commit any willful trespass, or be guilty of any lewd or mischievous behavior, or disorderly conduct therein, or who shall improperly enter or insist on remaining in or returning to said park when properly excluded thercfrom, Shall be guilty of a misdemeanor, and on conviction thereof, shall be fined not exceeding one hundred dollars, or may be imprisoned in the county jail not exceeding six months, but nothing therein contained shall prevent any person convicted under this act from prosecution for the violation of any other State law or of any ordinance of the city of Mobile, an infringement of which is embraced within such guilty act of such party.

Penalty.

SEC. 3. Be it further enacted, That the police power and jurisdiction of the mayor and police of the city of Mobile is hereby extended over the territory in the first section denned, and which is not at present embraced within the said city limits, as well as the portion in said limits for the enforcement therein of the provisions of this act and of the general laws of the State, and of the ordinances of said city.

Mayor's jurisdiction.

SEC. 4. Be it further enacted, That it shall be unlawful for any person to ride or drive on Conception street south of Tennessee street, or on the Bay Shore road east of Lawrence street, at a greater rate of speed than five miles an hour, and any person violating the provisions of this section shall be guilty of a misdemeanor, and shall, on conviction thereof, be fined not exceeding one hundred dollars. Fast driving.

Approved February 28, 1889.

No. 609.] AN ACT [H. B. 512

To amend an act to create a separate school district in Coffee county, Alabama, and define the bonndaries thereof, approved December 11, 1886.

SECTION 1. Be it enacted by the General Assembly of Alabama, That an act entitled an act to create a separate school district in Coffee county, Alabama, approved December 11, 1886, be and the same is hereby amended so as to read as follows: Section 1. That all that part of township three, range 20, east of Titi creek, and that part of township three, range twenty-one, on the west side of Double Bridges creek down south to the line of Geveva and Coffee, to the township line of three and four, between said creek, also from township line three and four; thence up little Double Bridges creek to Milburn creek; thence up Milburn creek to south boundary line of section thirteen and fourteen ; thence west along said line to Titi creek; and thence down Titi creek to the county line, all in the county of Coffee, be and the same is hereby formed into a separate school district, to be known as the Titi district, for which a superintendent shall be appointed as provided by law for other school districts of this State. School District.

SEC. 2. Be it further enacted, That said school district shall be in all respects managed and controlled as a school district as now provided by law for the school districts of the State.

Approved February 28, 1889.

No. 610.] AN ACT [H. B. 1017

To amend section 1 of an act to regulate the payment of claims against the general fund of Randolph county, approved November 27, 1888.

SECTION 1. Be it enacted by the General Assembly of Alabama, That section one of an act .entitled an act to regulate the payment of claims against the general fund of Randolph county, approved November 27, 1888, be so amended as to read as follows: Section 1. Be it enacted by the General Assembly of Alabama, That from and after the passage of this act, the treasurer of Randolph county shall pay all valid payable claims against the general fund of said county according to the order in which such claims are registered by said treasurer ; Provided, that the claims for per diem and mileage of the members of the commissioners court, and all jury certificates against said county shall be paid by said treasurer on presentation of such claims and certificates to said treasurer, and the said treasurer is authorized to receive such claims or jury certificates in payment of county taxes.

Duty of county Treasurer.

Approved February 28, 1889.

No. 611.] AN ACT [H. B. 419

To elect the county board of commissioners of Lowndes county by the qualified voters of said county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That at the general election for State and county officers next to be held in this State, and at each such general election to be held every two years thereafter, there shall be elected by the legally qualified voters of the county of Lowndes, four persons who shall constitute a court of county commissioners, or board of revenue, in and for said county, which four persons shall exercise all the powers and perform all the duties now or hereafter required by law of the present board of revenue, and said four persons and their successors in office, elected as herein provided, shall be called and styled the board of revenue.

Election of county commissioners.

SEC. 2. Be it further enacted, That the said board of revenue so selected shall take the oath of office, and may enter on their duties immediately after the official count and declaration of their election, and shall hold their office till their successors we elected and qualified as herein provided.

Approved February 28, 1889.

No. 612.] AN ACT [H. B. 595

For the relief of A. Sweat, of Henry county.

Whereas, On the 19th day of October, i887, A. Sweat, of Henry county, made application to the proper authorities of said county for a license to retail liquor at Columbia, in said county, and was required to pay a license tax of one hundred and twenty-five dollars for the State, the price uf a license for the whole year, when he was only required by law to pay half of the price of a license for a year; therefore,

SECTION 1. Be it enacted by the General Assembly of Alabama, That the auditor be, and he is hereby authorized and required to draw a warrant on the State treasury in favor of A. Sweat, for sixty-two dollars and fifty cents, in settlement of the amount paid by A. Sweat for said license in excess of the sum required by law. Relief.

Approved February 28, 1889.

No. 613.] AN ACT [H. B. 949

To repeal an act entitled an act to amend section one of an act entitled an act to incorporate the town of North Port, approved February 24, 1887.

SECTION 1. Be it enacted by the General Assemby of Alabama, That an act entitled an act to amend section one of an act entitled an act to incorporate the town of North Port, approved February24, 1887, be and the same is hereby repealed. Repeal.

Approved February 28, 1889.

No. 614.] AN ACT [H. B. 676

For the relief of the firm of Dewberry & Bevis, composed of A. L. Dewberry and J. C. Bevis.

Whereas, The firm of Dewberry & Bevis, consisting of A. L. Dewberry and J. C. Bevis, did, on the 31st day of January, 1888, apply to and obtain from the judge of probate of Lauderdale county, State of Alabama, a license to retail liquors at the Murphy Place, in said county, for which said firm paid to said judge of probate for the use of the State of Alabama, one hundred and twenty-five dollars ($125.00), and

Whereas, Said Murphy Place was within township one and two, in range thirteen, in the county of Lauderdale, which was made a prohibition district in an omnibus bill, created by an act of the general aasembly, approved February 28, 1881, and

Whereas, On account of the existence of said prohibition enactment, which was not known either to said Dewberry & Bevis or to the judge of probate at the time said license was taken out, said firm was stopped from selling almost immediately after taking out said license, thereby rendering said license of no value to said Dewberry & Bevis.

SEC. 1. Be it enacted by the General Assembly ofAlabama, That the auditor be and he is hereby author-
Relief. ized and required to draw his warrant on the State treasurer in favor of said Dewberry & Bevis for the sum of one hundred and twenty-five dollars ($125.00), to be paid out of any money in the treasury not otherwise appropriated.

Approved February 28, 1889.

No. 615.] AN ACT [H. B. 892.

To incorporate the Lowndes Rifles, Company D., First Regiment Alabama State Troops.

SECTION 1. Be It enacted by the General Assembly of the State of Alabama, That the military company known as the "Lowndes Rifles, Company D, First Regiment

Alabama State Troops" of Lowndes county, State of Alabama, be and they are hereby declared a body corporate by the name and style of Lowndes Rifles, and by said name and style the said company may sue and be sued, plead and be impleaded, answer and be answered in any court of law and equity in this State, and may have, hold, occupy and possesss goods and chattels, lands and tenements, and may sell and transfer the same at pleasure. Corporation Name. Powers.

SEC. 2. Be it further enacted, That this company may enact such by-laws, rules and regulations for the proper government as they may deem proper and good for said company that are not inconsistent with the constitution and laws of the State or the United States.

SEC. 3. Be it further enacted, That the members of said company shall be exempt from duty as jurors if they choose to claim such exemption.

Approved February 28, 1889.

No. 616.] AN ACT [H. B. 1004

To regulate the fees of the sheriff of Clarke county.

SECTION 1. Be it enacted by the General Assembly of Alabama, That in addition to the fees now allowed him by law, the sheriff of Clarke county, shall receive the following fee to be paid out of the general fund in the county treasury on a certificate from the clerk of the circuit court, to be proven by the sheriff under oath, viz : For each bailiff employed by him to serve notices, papers or subpoenas for the grand jury, two dollars per diem. Fees.

Approved February 28, 1899.

JOINT RESOLUTIONS,

No. 1.] JOINT RESOLUTION

To request our representatives and instruct our senators to use their efforts to secure such action on the part of congress as will enable the State of Alabama to receive, for the purpose of education, certain lands granted by act of Congress, September 4, 1841.

Whereas, By the act of congress approved May 23, 1828, there was granted to the State of Alabama, for the purpose of improvement of navigation at the Muscle Shoals and Colbert Shoals of the Tennessee river, the proceeds of which were applied in accordance with said act, to said improvement; and

Whereas By the provisions of the 8th section of the act of Congress approved September 4, 1841, entitled an act to appropriate the proceeds of the sales of public lands, and to grant pre-emption rights, there was granted to the State of Alabama and other states named in said act, 500,000 acres of land for the purpose of internal improvements, and by the act of Congress approved August 11, 1848, the State of Alabama was authorized to apply the proceeds of said grant to school purposes; and

Whereas, There was deducted from said grant of 500,000 acres, the 400,000 acres which had been previously granted for and applied to the improvement of said Muscle Shoals and Colbert Shoals ; and,

Whereas, said improvements were national in their character and not internal as to the State of Alabama, and have since been undertaken by the government of the United States ; now, therefore,

Be it resolved by the General Assembly of Alabama, That our senators in congress be instructed, and our representatives be requested, to use their efforts to secure such action on the part of the congress as will

enable the State to secure for the purposes of education, the 400,000 acres deducted from the quantity granted by the act of September 4,1841.

Be it further resolved, That the governor be requested to send a copy of this resolution to each senator and representative from Alabama, in the congress.

Approved February 23, 1889.

No. 2.] JOINT RESOLUTION.

A resolution requesting representatives and instructing our senators in congress to use their efforts to carry into effect in the States of Alabama and Mississippi, the existing compact with those States.

Whereas, The congress of the United States, by the fourth section of au act approved July 4, 1836, entitled an act to carry into effect in the States of Alabama and Mississippi the existing compact with those States in regard to the five per cent. fund, and the school reservations, authorized the selection by the State of Alabama of a quantity of lands equal to one thirty-sixth of the lands ceded by the Chickasas Indians by the treaty of 20th October, 1832, for school purposes, the time and manner of selection and location of which lands was subsequently extended and modified by the act of congress, approved March 3, 1847 ; and

Whereas, The location of these lands was attempted in the States of Louisiana and Arkansas, but the title thereto was not perfected in the State of Alabama; and

Whereas, The time within which the title to said lands could be perfected has expired, and the State has never received any benefit from said grant, now, therefore,

Be it resolved by the General Assembly of Alabama, That our senators in congress be instructed, and our representatives requested, to secure such legislation in the congress of the United States as will enable the State to select and secure the quantity of lands to which it is entitled under said grant.

Be it further resolved, That the governor be request-

ed to send a copy of this resolution to each senator and representative from Alabama in the congress.

Approved February 23, 1889.

No. 3.] JOINT RESOLUTION.

To authorize the sale of two old 1-inch Gratling guns, which are now unserviceable.

Whereas, There are now in the possession of the State, two old 1-inch Gatling guns issued by the United States, in the year 1872, which are of the pattern now obsolete, and for which no ammunition is now made, and

Whereas, Said guns are unserviceable and are rotting from exposure and rust, and

Whereas, The State now has an opportunity to sell said guns if they can be delivered immediately, therefore

Be it Resolved by the House of Representatives, (the Senate concurring,) That the governor be authorized to sell said Gatling guns upon such terms as he may deem most advantageous, and cover the proceeds of sale in the treasury, to be used by him in his discretion, for the purchase of tents, camp equipage, canteens, blankets and other wants of the State troops.

Approved February 20, 1889.

No. 4.] JOINT RESOLUTION.

To give assent to receive a grant of Congress for benetit of Agricultural Experiment Stations.

Whereas, The Congress of the United States having passed an act approved March 2, 1887, entitled " An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the act supplementary thereto," and

Whereas, It being provided in said act, " that the

grants of moneys authorized by this act are made subject to the legislative assent of the several States and Territories, to the purposes of said grants, therefore

Be it Resolved by the House of Representatives, (the Senate concurring,) That the assent of the general assembly of Alabama is hereby given to the purposes of the grants made in said act of Congress; and that the trustees of the Agricultural College of Alabama, at Auburn, are hereby authorized directed to comply with the terms and conditions expressed in the act aforesaid.

Approved February 27,1889.

No. 5.] JOINT RESOLUTION.

That the governor be requested to invite the governors of the States of Texas, Louisiana, Georgia, South Carolina, Tennessee, Mississippi and Florida, to appoint delegates to attend a conference on the subject of quarantine regulations, to be held in the city of Montgomery at such time in the month of March as the governor may determine on.

Resolved, That the governor be authorized to appoint delegates to such conference from the State of Alabama.

Approved November 26, 1888.

No. 6.] JOINT RESOLUTION

Authorizing the publication of the proceedings of the Quarantine Conference, to be held in March next.

Resolved by the house of representatives, (the senate concurring), That the governor be authorized to use so much of the quarantine fund as may be necessary for the publication of the proceedings of the quarantine conference to be held in March next.

Approved February 23, 1889.

No. 7.] JOINT RESOLUTION.

Resolved by the senate, (the house concurring), That the senators and representatives in congress from Alabama be requested to use their earnest endeavors to secure a donation of money or lands from the Federal Government, to aid in establishing a State Female Industrial School and University in Alabama for white girls.

Approved February 13, 1889.

OFFICE OF SECRETARY OF STATE,
MONTGOMERY, ALA., April 15, 1889.

I hereby certify that the foregoing Acts and Resolutions are correct copies of the original rolls now on file in my office.

C. C. LANGDON,
Secretary of State.

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ERRATA.

Page 91, second line of section 3, (third line from bottom of page), 1880 should be 1885.

Page 92, fifth line from top of page, credit should be credit.

OFFICERS AND MEMBERS OF THE SENATE.

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W. L. CLAY, Secretary.
D. W. MCIVER, Assistant Secretary.
MISS JEM WEAKLEY, Enrolling and Engrossing Clerk.
JAMES ARMSTRONG, Doorkeeper.
JOHN MOKBILL, Assistant Doorkeeper.
JOHN COCHBANE, Page.
BLAKE GODFREY, Page.

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1st District—W. N. Hays.
2d District—J. H. Branch.
3d District—Wm. E. Skeggs.
4th, District—Francisco Rice.
5th District—W. W. Harralson.
6th District—J. L. Burnett.
7th District—L. W. Grant.
8th District—Cecil Browne.
9th District—W. A. Handley.
10th District—Thomas L. Bulger.
11th District—A. C Hargrove.
12th District—G. C. Almon.
13th District—J. T. Milner.
14th District—Jerome Clanton.
15th District—J. H. Parker.
16th District—Willis Brewer.
17th District—Nicholas Stallworth.
18th District—B. M. Huey.
19th District—J. R. Cowan.
20th District—W. H. Tayloe.
21st District—Daniel Williams.
22d District. — A. L. Pope.
23d. District.—W. C. Steagall.
24th District—James Lang.
25th District—J. H. Parks.
26th. District—C. W. Rumph.
27th District— J. T. Harris.
28th District— E. A. Graham.
29th District— J. F. Waddell.
30th District—J. C. Compton.
31st District—L. D. Godfrey.
32d District—W. B. Inge.
33d District—Daniel Smith.

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BENJ. F. ELMORE, Clerk.
A. H. CARMICHAEL, Assistant Clerk.
L. C. RAMSEY, Engrossing Clerk.
F. W. GIST, Enrolling Clerk.
ROBERT HASSON, Doorkeeper.
W. K. CHRISTOPHER, Assistant Doorkeeper.
BUFORD HOBDY, Messenger.
N. B. BURTON, Page.
G. T. LONG, JR., Page.
CROWELL BROADNAX, Page.

REPRESENTAIVES :

Autauga—Merrill E. Pratt.
Baldwin— H. A. Tatum.
Barbour—Judson Davie, C. C. Shorter, A. B. Bush.
Bibb—S. M. Adams.
Blount—S. H. C. Johnson.
Bullock—N. B. Powell, George Stowers.
Butler—T. C. King.
Calhoun—G. C. Williams.
Chambers—N. D. Denson, M. V. Maley.
Cherokee—Charles Rattray.
Chilton—J. M. Dykes.
Choctaw—J. A. Watters.
Clarke—A. L. McLeod.
Clay—J. A. J. Nelson.
Cleburne—H. Allen.
Coffee—J. B. Simmons.
Colbert—W. C. Summers.
Conecuh—Robt. A. Lee.
Coosa—W. C. Brown.
Covington—E. J. Mancill.
Crenshaw—J. T. Watson.
Cullman—C. J. Higgins.
Dale—H. J. Smisson.
Dallas— Jno. F. White, W. B. Hardy, W. C. Billingslea,
Francis L. Pettus.
DeKalb—R. M. Blevins.

Elmore—George H. Parker.
Escambia—Milton A. Rabb.
Etowah—G. B. Wade,
Fayette—J. M. Files.
Franklin—E. R. Richardson.
Geneva—J. L. White.
Greene—Thos. J. Patton, Wm. Smaw.
Hale—Alfred H. Benners, Wm. N. Knight.
Henry—J. B. Ward.
Jackson—W. H. Bogart.
Jefferson—Robert J. Lowe, M. A. Porter.
Lamar—R. L. Bradley.
Lauderdale—T. 0. Bevis, J. M. Cunningham.
Lawrence—W. W. NeSmith, W. V. Curtis.
Lee—W. D. Kyle, W. A. McElvey,
Limestone—Benj. M. Sowell, A. W. Mosely.
Lowndes—A. C. McRee, J. H. Russell.
Macon—S. B. Paine.
Madison—Oscar R. Hundley, Jno. P. Hampton, E. E. Walker.
Marengo—D. J. Meador, S. G. Woolf.
Marion—H. T. Clarke.
Marshall—Jno. G. Winston.
Mobile—D. H. Lay, Erwin Ledyard, Winfield S. Lewis, W. A. Anderson.
Monroe—W. B. Kemp.
Montgomery—J. R. McLendon, Alva Fitzpatrick, W. J. Barnett, A. A. Wiley.
Morgan—J. E. Weaver.
Perry—Wm. F. Hogue, A. D. Pitts.
Pickens—L. M. Stone, M. L. Stansell.
Pike—J. M. Carter, A. B. Darby.
Randolph—Samuel Henderson, Jr.
Russell—Jno. V. Smith, F. L. Nisbet.
Shelby—A. P. Longshore.
St. Clair—Jno. S. Maddox.
Sumter—A. J. Arrington, T. D. Beaurdeaux.
Talladega—G. T. McElderry, W. T. Webb.
Tallapoosa—Wm. P. Dark, J. N. Dupree.
Tuscaloosa —Wm. G. Cochrane, N. N. Clements.
Walker—McPherson Cornelius.
Washington—H. M. Posey.
Wilcox —Wm. A. George, B. M. Miller.
Winston—Jno. C. Long—98.

INTEREST LAWS IN THE UNITED STATES.

STATES AND TERRITORIES	LEGAL RATE, PER CENT	Rate allowed by contract. Per Cent.	PENALTIES FOR USURY.
Alabama			
Arizona			
Arkansas			
California			
Colorado			
Connecticut			
Dakota			
Delaware			
District of Columbia			
Florida			
Georgia			
Idaho			
Illinois			
Indiana			
Iowa			
Kansas			
Kentucky			
Louisiana			
Maine			
Maryland			
Massachusetts			
Michigan			
Minnesota			
Mississippi			
Missouri			
Montana			
Nebraska			
Nevada			
New Hampshire			
New Jersey			
New Mexico			
New York			
North Carolina			
Ohio			
Oregon			
Pennsylvania			
Rhode Island			
South Carolina			
Tennessee			
Texas			
Utah			
Vermont			
Virginia			
Washington Ter			
West Virginia			

Wisconsin . . . . . Wyoming . . . . . .
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Forfeiture of entire interest.
None.
Forfeiture of principal and interest.
None.
None.
None.
Forfeiture of excess.
Forfeiture of principal.
Forfeiture of entire interest.
None.
Forfeiture of excess.
Forfeiture of 3 times excess of int'st.
Forfeiture of entire interest.
Forfeiture of excess interest.
Forfeiture of10% per annum on am't..
Forfeiture of excess interest.
Forfeiture of excess over 10%.
Forfeiture of entire interest.
None.

Forfeiture of excess interest.
None.
Forfeiture of excess interest.
Forfeiture of excess over 10%.
Forfeiture of excess interest.
Forfeiture of entire interest.
None.
Forfeiture of interest and cost.
None.
Forfeiture of thrice the excess.
Forfeiture of entire interest.
None.
Forfeiture of principal and interest.
Forfeiture of entire interest.
Forfeiture of excess above 6%.
Forfeiture of principal and interest.
Forfeiture of excess interest.
None.
None.
Forfeiture excess of inte'st and $100 fine.
Forfeiture of entire interest.
None.
Forfeiture of excess of interest.
Forfeiture of excess over 6%.
None.
Forfeiture of excess of interest.
Forfeiture of entire interest.
None.
* Any rate H No usury but over six per cent cannot be connected by law.
I New York has legalized any rate of interest on call loans call loans of $5,000 or upwards, on Collateral security.